RIGHTS AND FREEDOMS ISSUES IN CANADA:

OVERVIEW OF PRACTICES, LEGISLATION AND RHETORIC THAT UNDERMINE RIGHTS

Contribution by the Ligue des droits et libertés

Ligue des
droits et libertés

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Presentation of the Ligue des droits et libertés

The Ligue des droits et libertés (*League for Rights and Freedoms*) (LDL) is an independent, non-partisan, and non-profit organization based in Montreal, Canada. The LDL defends and promotes human rights, emphasizing their universality, indivisibility, and interdependence. Since its founding in 1963, the LDL has influenced several government policies and bills, in addition to contributing to the creation of instruments and institutions dedicated to the defense and promotion of human rights, such as the Quebec *Charter of Human Rights and Freedoms and the creation of the Commission des droits de la personne et des droits de la jeunesse (Quebec Human Rights and Youth Rights Commission*). The LDL is also a member of the International Federation for Human Rights (FIDH).

Quebec is a province that declared itself bound by the ICCPR and other international human rights instruments as early as 1976, even though it is part of the Canadian state, which is also bound by them. While it sometimes acts at the federal and municipal levels, the work of the Ligue des droits et libertés (LDL) focuses primarily on legislation, phenomena, and practices occurring in Quebec. This predominantly provincial scope is reflected in this contribution, but like other UN bodies, the LDL believes that the division of powers between the federal and provincial governments should not hinder efforts to improve respect for rights or to remedy urgent situations involving systemic violations of rights and freedoms.

Given that the interdependence of rights is central to the analyses developed by the LDL, the following pages present a number of issues that affect civil, political, economic, social, and cultural rights in a profound interrelationship. The LDL also emphasizes that this contribution does not claim to be exhaustive: due to limited space and the fact that other CSOs will be providing the committee with their own expertise, we have chosen to limit ourselves to a handful of rights issues that we believe need to be brought to the attention of the Human Rights Committee.

Legislation that distances us from human rights

An increasing number of derogations from rights

In its periodic report submitted to the Human Rights Committee as part of this procedure, the Canadian government regularly refers to the *Canadian Charter of Rights and Freedoms*, adopted in 1982. The province of Quebec also adopted its own *Charter of Human Rights and Freedoms* in 1975, a quasi-constitutional instrument that has long been a source of pride for Quebec because of its avant-garde nature.

The Canadian *Charter* contains a derogation/notwithstanding clause (section 33) that the legislature can renew every five years. The Quebec *Charter* also contains a notwithstanding clause in section 52, which provides for no time limit or renewal mechanism. Once invoked, it remains in force for the entire duration of the legislation.

Although they have existed since 1982 and 1975 respectively, the notwithstanding clauses were initially conceived as a political and historical compromise and were not used to infringe upon rights. However, in recent years, the notwithstanding clauses of both the Canadian and Quebec Charters of Rights and Freedoms have been invoked repeatedly, demonstrating how they weaken the protection of rights and render it vulnerable to the political vagaries of the moment.

In the Canadian provinces of Saskatchewan (2023) and Alberta (2025), these provisions were used to shield legislation that infringes on the rights of transgender people from court scrutiny. In Quebec, they have been used repeatedly since 2019 to protect laws concerning state secularism from legal challenges (see the following section of this contribution). These were derogations imposed without the unanimous

consent of the National Assembly, under closure, in a *preemptive manner*, as well as *across the board*, overriding all the rights that can be waived.

For example, the *Act respecting the laicity of the State* (Quebec, 2019) overrides sections 2 to 7 and section 15 of the Canadian Charter of Rights and Freedoms, as well as sections 1 to 38 of the Quebec Charter of Human Rights and Freedoms. Quebec society has every reason to fear a government that so casually derogates from freedom of religion, the right to equality, freedom of association, democratic rights, freedom of movement, the right to a fair trial, the right to be protected against arbitrary detention, etc. In the same example of the *Act respecting the laicity of the State,* the government invoked the notwithstanding clauses preemptively—that is, preventively and in advance—in order to prevent the courts from ruling on the reasonableness of the infringements on rights and freedoms arising from its legislation. The legislature has never demonstrated an urgent threat to the nation that would justify suspending rights, nor the proportionality of these infringements on rights, and there is no intention that the secularism law is tp be temporary and to lead to a return to the full exercise of rights.

These derogation provisions are far removed from the criteria for exceptional circumstances developed in General Comment No. 29, which concerns Article 4 of the ICCPR. Thus, the LDL considers it urgent to strictly regulate the use of these derogation provisions, drawing directly on the following criteria:

- Any exception should be absolutely exceptional, as limited as possible and temporary;
- That it should only possible to derogate from rights in cases of genuine emergency or exceptional public danger;
- That the need for a derogation be clearly demonstrated and subject to review by the courts;
- That the rights which are inviolable under the ICCPR be at all times fully protected, including freedom of religion and the right to equality.

The Charters of rights seem to be increasingly perceived or portrayed as a burden or obstacle that parliamentarians and the government can casually dismiss. For the LDL and for many civil society organizations, and particularly for minority groups, the Charters are rather an essential component of social cohesion and democracy.

A proposed "constitution" that threatens Quebec's system of protecting rights and freedoms

In October 2025, the Quebec government tabled Bill 1, the *Québec Constitution Act, 2025*. The Ligue des droits et libertés proceeded to an in-depth analysis of this bill. LDL, along with the Commission des droits de la personne (Quebec Human Rights Commission), the Barreau du Québec (Quebec Bar Association), the International Commission of Jurists, and over 400 other civil society organizations, is alarmed by this bill. Unfortunately, it is no exaggeration to say that Bill 1 represents a slide towards authoritarianism. At the time of writing, very limited consultations are underway, and the government remains committed to adopting this bill through a simple vote in the National Assembly before June 2026.

Bill 1 is problematic in terms of process. The drafting and adoption of a constitution is a major legal act in the life of a community, requiring the full and complete participation of civil society and the entire population. However, none of the criteria recognized under international law for the adoption of a legitimate constitution, particularly those established by the Office of the High Commissioner for Human Rights, were respected by the government in the drafting and submission of Bill 1. This draft constitution was prepared behind closed doors without prior public consultation, constituting a unilateral act of the executive branch.

The criteria developed by the Secretary-General on United Nations assistance in drafting constitutions in 2009 are also not part of the process surrounding the draft constitution tabled by the Government of Quebec. The drafting of such a bill should have been preceded by extensive consultations with experts from various fields, members of civil society, and the general public, which was not the case.

Bill 1 is problematic in terms of its content, and we will only address two aspects here. First, this bill seeks to incorporate the notwithstanding clause of the Quebec *Charter of Human Rights and Freedoms* into the Quebec Constitution. This is an attempt to normalize and trivialize the use of the notwithstanding clause. Bill 1 stipulates that a law invoking the notwithstanding clause would automatically be deemed compatible with the Quebec Constitution. It is alarming that Bill 1 so severely undermines the Charter of Human Rights and Freedoms, which is currently celebrating its 50th anniversary and is designed to protect all Quebecers.

Secondly, Bill 1 would allow the National Assembly to designate any law (or any of its provisions) as protecting "the Quebec nation as well as the constitutional autonomy and fundamental characteristics of Quebec" (section 5, *Act respecting the constitutional autonomy of Quebec* – hereinafter *the Autonomy Act*). The impact of this designation is that more than one hundred organizations – or even more, depending on the criteria established by the government – receiving public funding would then be prohibited from using these funds to challenge the constitutional validity of these laws or to contribute to such a challenge.

The scope of this provision is very broad. The current list appended to Bill 1 includes, among the affected organizations, government and quasi-governmental bodies, Crown corporations, organizations within the public education and health and social services networks, as well as municipal and professional bodies, such as the Commission des droits de la personne et des droits de la jeunesse (Human Rights and Youth Rights Commission), the Ombudsman, the Chief Electoral Officer, the Autorité des marchés financiers (Financial Markets Authority), the Conseil du statut de la femme (Council on the Status of Women), the Office de la protection du consommateur (Consumer Protection Office), the National Student Ombudsman, Santé Québec (Quebec Health), colleges and universities, municipalities and metropolitan communities, and professional orders. It also stipulates that the legislature can apply this provision to all other "categories of organizations that the government determines," which has unions, collective rights advocacy groups, and community organizations fearing they will also be subjected to this form of muzzling.

Freedom of religion: an instrumentalization of the notion of secularism that creates violations of rights

The recent history of the province of Quebec is marked by a continuum of legislation that has invoked the notion of secularism, when in fact it has violated religious freedom and the right to equality in a marked way for certain minority groups. This continuum unfolds within a context unfortunately marked by growing Islamophobia for over two decades. A hardening of identity politics is also observable within a segment of the political class. As a human rights organization, we find this phenomenon and the various pieces of legislation extremely alarming.

Law on the secularism of the State: rights violated since 2019

The Act respecting the laicity of the State, adopted in 2019, introduced a ban on the wearing of religious symbols for various state employees, particularly public school teachers. Met by strong opposition from civil society, this law was adopted under closure (that is, a measure aimed at interrupting the detailed study of a bill by members of the legislature in order to expedite its adoption), and despite well-supported objections from numerous institutions and organizations, such as the Human Rights Commission, the Quebec Federation of Women, and teachers' unions.

This law also makes use of the notwithstanding provisions of the Quebec Charter and the Canadian Charter, which demonstrates that the legislator was well aware that this law would not pass the test of Quebec and Canada's constitutional and quasi-constitutional instruments for the protection of human rights.

At the time of submitting this report, the *secularism law* has been in force for almost seven years. The consequences and rights violations that organizations feared have now materialized. In January 2023, a research report entitled "*The Act respecting the laicity of the State: What are the consequences for Muslims in Quebec?*" was published. Through interviews with people from ethno-religious minorities, this research documents the direct and indirect consequences of this law on employment, education, career aspirations, physical safety, and the sense of belonging to Quebec society of those directly affected since 2019.

The study's findings highlight the direct economic, psychological, and physical security consequences for those affected, particularly Muslim women wearing the hijab in the field of education. Nearly half of the respondents stated that they felt "directly and personally" affected by the *Act respecting the laicity of the State*, both in their employment and their career aspirations, and more than half expressed the need or desire to leave Quebec in order to practice their profession while exercising their religious freedom. Several of the women interviewed stated that they had to change jobs or modify their programs of study due to the implementation of the *Act respecting the laicity of the State.*

The report also notes a deterioration in the social climate, with polarized social debates surrounding secularism and the wearing of religious symbols creating a difficult environment in schools, particularly for female teachers wearing the hijab. Many of these teachers have faced mistrust, psychological harassment, and discrimination.

Along similar lines, researcher Miriam Taylor, in her report analyzing data obtained through a large-scale survey conducted in 2022, highlights the feeling among Muslim women that, since the adoption of Bill 21, they have been victims of "severe social stigmatization, injustice in their interactions with those who exercise authority over them in their daily lives, and marginalization in terms of their acceptance as full members of society." [1]. The CDPDJ (Quebec Human Rights Commission) had also raised its concerns about the social effects as early as 2019, given that certain provisions of this law would have the effect of " encouraging negative perceptions and prejudices towards religious symbols" [2], and of harming "the integration of these women into the labour market and their access to public services, including education, health care, justice, and transport" [3].

A study published in 2024 also reveals that among more than 400 Muslim women in Quebec surveyed, more than 70% have considered leaving Quebec and have applied for jobs outside the province, that 54% have been the target of racist remarks at work and that 88% believe that Quebec is a less welcoming place [4].

Many organizations warned that the consequences of the *Act respecting the laicity of the State* would, in practice, be felt particularly by women, setting back gender equality and their rights in particular. By exacerbating existing difficulties in accessing employment and the discrimination experienced through Islamophobic words and actions, Bill 21 was poised to be catastrophic for Muslim women.

Bills 84, 94 and 9, in 2025: the State persists on the wrong path

The year 2025 was marked by the tabling of Bill 94, *An Act to strengthen secularism in the education system and to amend various legislative provisions*, which was adopted on October 31, and the tabling of Bill 9, *An Act to strengthen secularism in Quebec,* tabled in November 2025 and still under study at the time of writing this report.

Bill 94 and Bill 9 both make use, once again, of the notwithstanding clauses of the Canadian Charter and the Quebec Charter, in a preemptive and "wall-to-wall" manner.

There is no proven problem of breaches of secularism within Quebec's public school system. However, the government has fostered a sense of threat to secularism and Quebec values among the population, and the new "Bill 94" capitalizes on this feeling of "danger" to broaden the scope of the secularism law, which

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[1]Taylor, Miriam, *Bill 21: Discourses, Perceptions and Impacts* , Association for Canadian Studies/Léger, May-June 2002, p. 50 , online: https://acs-metropolis.ca/wp-content/uploads/2022/08/Rapport_Sondage-Loi-21_AEC_Leger-12.pdf

[2]CDPDJ, *Bill 19: Discrepancy between the principle of secularism and its concrete application according to the Commission des droits de la personne et de la jeunesse (Quebec Human Rights and Youth Commission)* , press release of May 7, 2019, online: https://www.cdpdj.qc.ca/fr/actualites/projet-de-loi-21-daccalage-e-2

[3]CDPDJ, *Memorandum to the Committee on Institutions of the National Assembly, Bill No. 21, Act respecting the secularism of the State* , 2019, p. 83.

[4]Hasan, Nadia, Lina El Bakir, and Youmna Badawy. 2024. “Social Discord and Second-Class Citizenship: A Study of the Impact of Bill 21 on Muslim Women in Quebec in Light of the COVID-19 Pandemic.” Research Report. National Council of Canadian Muslims (NCCM). https://www.nccm.ca/wp-content/uploads/2024/06/Bill-21-Report-FRENCH.pdf

has been causing rights violations since 2019. This law extends the ban on wearing religious symbols to daycare and classroom support positions and applies to anyone providing or receiving services in a school, whether it's a contract worker leading a one-off workshop or a parent attending a parent-teacher meeting. It mandates that students receive educational services with their faces uncovered, specifically targeting Muslim women who wear certain types of headscarves.

This tightening of the *secularism law*, in addition to distancing Quebec from a true state secularism that allows for the full exercise of the right to equality and freedom of religion, constitutes an obstacle to the creation of a pluralistic education system based on tolerance and the promotion of living together. The imposition of the exclusive use of French "for staff members of a French-language school service centre and for persons called upon to work with students," including during breaks or informal moments (section 36), constitutes a further obstacle to the universalization of the right to education. Indeed, several studies demonstrate that the use of mother tongues by and for students, for educational purposes, is a valuable tool for fostering their French language learning, their socialization, their adaptation, and their integration into the school environment.

Bill 94 contains several provisions aimed at regulating the *words*, *behaviors*, *attitudes*, *conduct*, and *decisions* of managers and staff in the education system and schools to ensure they conform to “Quebec values” and the “secular nature of the state.” In doing so, the government is arrogating to itself an arbitrary and discretionary power that constitutes an unacceptable—and in many respects unprecedented—violation of numerous rights enshrined in the *Quebec Charter of Human Rights* and Freedoms, particularly in its first chapter on fundamental rights and freedoms.

These provisions are reminiscent of Bill 84, *the National Integration Act* , which was the subject of four special consultation days -by invitation only- and which was opposed by more than 100 Quebec civil society organizations and was adopted in May 2025. This Act was nevertheless presented by the legislator as nothing less than a social contract, to which members of ethnic and racialized minorities and immigrants will be required to adhere.

The model put forward in this law is assimilationist in nature, as it aims to impose a set of “distinct social values” on all Quebecers—and particularly on immigrants and members of ethnic and racialized minorities. To promote the exercise of rights for all, legislation should instead be developed in light of the Quebec Charter of Human Rights and Freedoms and international human rights instruments and not based on “values” that a government arrogates to itself the power to determine.

Bill 9, currently under consideration, would extend the ban on religious symbols to employees of subsidized private daycares and schools; it would introduce a requirement for face coverings for individuals in places where they give or receive services. It would prohibit all religious practices in a number of places and settings, such as post-secondary institutions (CEGEPs, universities), subsidized private schools, and certain healthcare facilities, putting an end to places of worship or multi-faith spaces. It also proposes to significantly restrict the possibility of requesting reasonable accommodations for religious reasons, introducing the concept of "more than minimal hardship" to replace the "undue hardship" criterion recognized in Canadian case law. In other words, the level of hardship an accommodation would impose on an institution would be considerably lowered: only an accommodation causing virtually no

burden would be considered reasonable, and beyond a level of "more than minimal" burden, accommodation would not be an option.

Bill 9 also aims to prohibit, with some exceptions, collective religious practices on public spaces and in parks. This measure follows specific public prayers that have made headlines recently, held during demonstrations in support of the Palestinian people during the genocide. A near-total ban on collective prayer in public spaces does not address any legal loopholes. Rather, it infringes upon civil liberties and fosters a climate of intolerance and denunciation among citizens.

Testimony collected by the LDL in April 2024

> "I arrived in Canada in June 2022, highly motivated by the ease of finding employment in adult vocational training. My 12 years of experience were expected to be sufficient to demonstrate my competence. The decision to immigrate to Canada or to return to France where I was born, was of course influenced by the choice of a country that values diversity and respect for human rights. However, my experience here has been eclipsed by the discrimination I have faced because of my faith."
>
> For me, the hijab is much more than a simple religious symbol; it's an expression of my personal freedom and my deepest convictions. I refused to compromise my dignity and faith in order to find work. Despite my competence and motivation, I faced multiple job rejections because of my decision to wear the hijab. Bill 21 (t*he Secularism of the State Act)* made it even harder for me to find employment in my field, even though I have the necessary qualifications and a passion for teaching.
>
> During a confirmation interview for a teaching position, I was told that I am excellent, but that I must remove my hijab during adult classes! Ironically, my brother, with his three years of teaching experience, was accepted and has been working there since December, enjoying it immensely. For the first time in my life (at 42), I'm experiencing such blatant gender discrimination that directly affects me, and in Canada, the land of freedom and equality!
>
> Unfortunately, my experience is not unique. I met N, a courageous woman who had to leave her beloved hometown because of her choice to wear the hijab, which cost her several career opportunities. Her story is a poignant reminder of the challenges faced by women who choose to live their faith visibly in a society that champions inclusion and diversity.
>
> S, my Senegalese friend who was a teacher before Bill 21, is unable to advance in her career due to feelings of racism towards women of colour, compounded by the fact that she wears a hijab. A mother of two daughters and a son, she also thinks she will have to leave Quebec in the coming years. She prefers to remain anonymous for fear of reprisals, in a country governed by the rule of law!
>
> D, an Algerian woman, just finished a training course; an exchange of emails expressing her competence and the possibility of an internship agreement was confirmed, but when she showed up wearing her hijab, the language changed and the internship was cancelled without much explanation.

> As a mother, one of the main reasons I chose to come to Canada was to give my children the opportunity to grow up in a diverse environment, where they would be exposed to all cultures and religions. Bill 21 goes against this ideal, depriving our children of the richness of diversity and the opportunity to develop the open-mindedness and intercultural understanding essential for living harmoniously in a pluralistic society.
>
> Bill 21 is in blatant contradiction with the principles of individual liberty and equal rights. It deprives individuals of their fundamental right to practice their religion and express their cultural identity without fear of discrimination or reprisal. By imposing restrictions on the wearing of religious symbols, this law perpetuates an insidious form of prejudice that marginalizes religious minorities and denies them their right to full participation in society.

Nour (fictitious name)
Gatineau, Canada, April 7, 2024

Issues surrounding police practices and violence

Deaths at the hands of the police: the Bureau of Independent Investigations

During the previous round of these overview proceedings in 2015, the LDL submitted a brief to the Human Rights Committee addressing, among other things, police repression. In 2026, we reiterate the importance of an independent body capable of investigating impartially and transparently when citizens are killed or injured by members of the police force.

Tragically, the fall of 2025 was marked by the death of Nooran Rezayi, a 15-year-old boy who was unarmed was shot dead by a police officer during an intervention in Longueuil on September 21. A shocking video released a few weeks later shows that the officer fired several shots at the teenager less than a minute after the police arrived on the scene, and according to various witnesses, while Nooran posed no threat.

Under the law, the municipal police service was required to notify the BEI (Bureau des enquêtes indépendantes) of the incident *without delay* and to respect the BEI's jurisdiction and precedence. Instead, it waited over 90 minutes before informing the BEI, and the SPAL (Service de police de Longueuil) officers interfered in the investigation, thereby undermining its independence. The SPAL interviewed numerous witnesses and took 16 written statements between 3:26 p.m. and 6:22 p.m., including questions directly related to the police intervention that resulted in the death of Nooran Rezayi. Furthermore, the BEI was also complacent regarding the Longueuil police when this illegal delay was revealed in the media.

In 2016, the Bureau of Independent Investigations (BEI) was established, and in 2020, a critical review of its first three years of operation was conducted by the LDL and the Coalition Against Police Repression and Abuse (CRAP). On the eve of the BEI's 10th anniversary, it appears that structural flaws remain, preventing it from adequately protecting the public and ensuring justice is being served when deaths occur at the hands of the police.

Analysis of the BEI's first three years reveals that it is not, in practice, a body independent of the police force, as the initiation of an independent investigation requires a formal report from the director of the

police force involved in the incident. Reporting delays often postpone the arrival of BEI investigators, potentially leading to evidence tampering or witness tampering. The delays in reporting an incident and the delays in investigators arriving at the scene are also a source of concern: despite the fact that section 289.2 of the *Police Act* requires the director of the police force involved to notify the BEI without delay, this situation has occurred on numerous occasions.

Furthermore, the majority of BEI investigators come from a police background (in December 2019, 32 of the 46 investigators were former peace officers or former civilian employees of police forces). In almost all of its independent investigations, the BEI must call on support services from other police forces (forensic technicians and collision reconstructionists), which further undermines its independence.. Representatives from the police community participate in the appointment process for the BEI's management team. The information released to the public by the BEI when an independent investigation is launched comes strictly from the police force involved, which does not share other information provided by witnesses present at the incident. The Court of Quebec (2021 QCCQ 4921) and the Quebec Court of Appeal (2023 QCCA 1590) have criticized the BEI for publishing a press release that did not demonstrate independence and impartiality, in this case regarding the investigation into the death of Koray Kevin Celik caused by the Montreal police in 2017. The BEI had reported only the police version and omitted the version of the parents, direct witnesses to the intervention which contradicted that of the police.

Experience also shows that police impunity persists despite the existence of the BEI. Police officers and police chiefs sometimes fail to comply with their obligations under the *Regulation respecting the conduct of BEI investigations* and the *Police Act.* These breaches are legal and regulatory violations that constitute significant obstacles to the conduct of investigations, but the BEI only makes them public far too late, that is, after its investigation and the analysis of the file by the Director of Criminal and Penal Prosecutions, more than a year after the event.

The BEI's lack of transparency raises doubts about the impartiality, credibility, and rigor of its investigations. Indeed, it does not publish comprehensive summaries of its independent investigation reports; nor does it inform the public as to why it refuses to investigate certain reported incidents.

The review conducted in 2020 by the LDL and the CRAP raises other issues: the BEI management has the discretionary power to close an investigation into an allegation of a sexual offense if it judges the complaint to be "frivolous or unfounded" (this is the only type of investigation for which it has such power); the BEI's activities and communications are not adapted to the realities of First Nations and Inuit people; the institutional proximity between the DPCP and the police, considering their respective mandates, generates doubts about the impartiality of the DPCP's decisions in investigation files involving the death of a citizen at the hands of the police.

Amendments to the police ethics system

Adopted in 2023, Bill 14, *An Act to amend various provisions relating to public safety and to enact the Act to assist in locating missing persons,* introduced certain changes to the police ethics system. The right to file a complaint with the Police Ethics Commissioner is now restricted to individuals present during a police intervention and to individuals toward whom a police officer's conduct is likely to constitute an act that deviates from the Code of Ethics for Quebec Police Officers. The recourse available to other individuals,

such as the victim's family or citizen groups monitoring police violence, is limited to reporting the matter to the Commissioner. This process has limitations: unlike the complaint process, the reporting process does not allow for a review of the decision, and the Commissioner has the sole discretion to decide whether or not to pursue the report.

However, complaints from third parties (neither witnesses nor victims) represent a significant source of police accountability, even though police officers often fear that this possibility will generate numerous frivolous complaints and clog the system. In a research by Mulone and Blais-Cyr, completed in 2022, an analysis of the handling of police ethics complaints filed by third parties revealed that, over a five-year period, only 3.2% of the complaints received by the Commissioner were filed by third parties, and that these complaints constituted 27.9% of those resulting in sanctions by the Committee. Not only do third parties not overwhelm the system, but their complaints are highly relevant and very often reveal police abuse or misconduct.

Thus, the changes made in 2023 represent a setback for the rights of citizens who have experienced violence at the hands of the police.

Rights of persons in detention

The conditions of detention in the country compromise the effective application of the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and of the right to liberty and security of person.

The state of the prison population in Quebec

The Profiling Observatory, an independent research organization, published a report in 2024 analyzing available data on deaths in Quebec provincial prisons. The research team used data obtained from the Ministry of Public Security (MSP) through access to information requests, covering the years 2009-2010 to 2021-2022. The report details 256 deaths that occurred between 2009 and 2022, of which 98 were classified as suicides, 85 as natural deaths, 71 as deaths of undetermined causes, and 2 as homicides. While all the deaths are alarming, it is particularly concerning that 28% are classified as "deaths of undetermined causes." Furthermore, the documents provided to the researchers by the MSP contain no information regarding the criteria used to determine whether a death was of undetermined cause. The classification becomes both so vast and so imprecise that deaths occurring in wide variety of circumstances could fall under it.

Added to this picture are 411 suicide attempts recorded during the same period. Both the deaths and the suicide attempts require a public and transparent investigation into the conditions of detention in Quebec's provincial prisons. Among the issues are major difficulties in accessing healthcare and prescription medications, health issues, extremes of heat and cold, the particularly frequent cancellation of visits to inmates which causes social isolation, and the use of solitary confinement, among others. The abusive use of strip searches is also a widespread problem in both provincial and federal institutions. In addition, the COVID-19 pandemic has led to an increase in the use of solitary confinement and social isolation.

Leclerc Prison, a women's detention facility located in Laval (formerly a federal penitentiary for men that was closed due to dilapidation) is notorious for its degrading and rights-violating conditions of detention: abusive strip searches, problems accessing healthcare, unsanitary conditions, verbal abuse and humiliation, and a climate of fear. A class action lawsuit has been filed against the Quebec government due to the inhumane treatment of women incarcerated at Leclerc Prison.

Moreover, various statistics and cases reported in the media in recent years remind us that people with mental health issues are sometimes incarcerated and deprived of the care and support they would need to exercise their right to health; that people with intellectual disabilities are sometimes incarcerated, a completely inappropriate treatment that increases their vulnerability; that certain population groups are overrepresented in the prison system, particularly Indigenous people.

Having observed for over 50 years through its work that prisons are places of systemic violations of rights and freedoms, the Ligue des droits et libertés (LDL) must regularly remind the public that while incarcerated individuals are temporarily deprived of their freedom of movement, they retain their other rights. The Ligue des droits et libertés has, for several years, been calling for a systematic and transparent public inquiry be conducted into the Quebec prison system and promotes the need to reduce the use of incarceration.

Solitary confinement of prisonerss

In 2019, Correctional Service Canada (CSC) announced the implementation of a new model intended to replace solitary confinement in federal prisons: Structured Intervention Units (SICUs). However, many argue that solitary confinement continues, albeit under a different name, and that several rules governing SICUs are not being followed. Furthermore, there remains an overrepresentation of Indigenous people and individuals with mental health issues within these units.

Despite the ban on solitary confinement as a disciplinary measure in federal prisons, provincial prisons still resort to it. A class action lawsuit is currently underway against the Quebec Correctional Services (SCQ) in the Quebec Superior Court, initiated by individuals who were held in disciplinary solitary confinement for at least 22 hours a day (George Michael Diggs v. Attorney General of Quebec), alleging that "this drastic sanction of deprivation of liberty [is used] regularly, wrongfully, and in a discriminatory manner [5]."

Solitary confinement is a widespread practice in Quebec detention facilities. In addition to disciplinary isolation, prison authorities resort to so-called administrative isolation due to staff shortages or for security reasons. Administrative isolation has become nothing less than a management method in Quebec prisons. To compensate for the shortage of correctional officers, many institutions have contingency plans that include drastic reductions in time spent outside cells. Based on public health recommendations, administrative isolation was widely used during the COVID-19 pandemic, when incarcerated individuals were kept in their cells for weeks without a change of clothes, showers, contact with the outside world, or

[5] https://www.registredesactionscollectives.quebec/fr/Consulter/ApercuDemande?NoDossier=500-06-001094-206

activities. While staff shortages pose a real challenge to prison management, they can in no way justify violations of the rights to dignity, life, and health of individuals incarcerated by the state.

Rights of migrants

Migrants with precarious or no immigration status in Canada face great precariousness and their rights are violated in various ways. Current legislative trends from the federal government do not bode well for the realization of their rights and threaten to deprive many from the possibility of regularizing their status.

Detention for administrative reasons

Many migrants are detained in Canada, in Immigration Holding Centres (IHCs), not because they are serving a court sentence, but for administrative reasons. Examples of such reasons, as outlined in the *Immigration and Refugee Protection Act include*: reasonable grounds to believe that the person is "likely to evade screening, investigation or removal, or proceedings that could lead to a removal order by the Minister " or because the person's identity "has not been established in a procedure provided for in this Act " Detention itself, in addition to the conditions of detention, constitutes a significant violation of their rights. The LDL raised several key issues in its brief to the UN Working Group on Arbitrary Detention in May 2024.

The administrative grounds for detaining migrants in Canada are frequently used. They encompass a wide range of common situations encountered by individuals upon arrival in Canada, making detention the default scenario rather than an exceptional measure. Current mechanisms governing migrant detention leave considerable room for the discretion of the Canada Border Services Agency (CBSA) and little accountability, given the absence of an independent civilian oversight mechanism for the agency and the insufficient mandate of the Immigration and Refugee Board (IRB) to assess CBSA detention decisions. A bill currently under consideration aims to establish a new mechanism, which will need to be closely monitored in the coming years if it is adopted.

There are also a number of migrant children detained by the CBSA, which significantly jeopardizes many of their rights. In 2023, the CBSA officially counted two such children. It should be noted, however, that children accompanying a detained parent are not considered detainees, but rather "housed." There were 30 such housed children in 2023. This nuance in terminology has no bearing on the severity of the human rights violations, since "housed" children are subjected to the same prison conditions as their parents and experience this situation as a form of detention. Furthermore, a child "housed" in a CBSA detention center means that their detained parent(s) had to choose between keeping their child with them in the detention center or having them placed in the care of child protection services. Almost all parents naturally choose to keep their children with them. In cases where they do not, the detention of migrant parents leads to the separation of families.

Migrants who have experienced detention in immigration holding centers have denounced, in particular, unsanitary and overcrowded conditions, as well as isolation as psychological punishment. Hunger strikes to protest these conditions have occurred at least four times in recent years. During the COVID-19 pandemic, at the Laval Immigration Holding Center (CSIL), detainees held a hunger strike for nine

consecutive days to demand their release for their safety, as their detention conditions offered no protection against the transmission of the coronavirus.

Other detention conditions exacerbate the difficulties: the very strict schedule governing life inside the center, shared rooms, restricted access to showers, and limited or nonexistent access to telephones and other means of communication (computers, internet), all of which contribute to isolating individuals from their networks while considerably complicating their efforts to regularize their immigration status. Difficulties in accessing legal services also compound the denial of rights experienced by people detained for immigration purposes. The lack of access to clear information about their situation, the process they are expected to follow, or even the length of their detention generates a sense of uncertainty and confusion that is highly detrimental to their psychological well-being.

As well, the use of solitary confinement for detained migrants is also a common practice. Abdirahman Warssama, an asylum seeker from Somalia, was detained for a total of 5 years and 7 months in a maximum-security prison in Ontario on administrative grounds. He reported being placed in solitary confinement 199 times in one year. These confinements sometimes lasted several days, without access to the outdoors, showers, or any meaningful human contact, and were often justified solely by staff shortages[6]. Many migrants and organizations that support them also emphasize that the treatment of detained migrants in facilities and during transport is inappropriate. They are often handcuffed and shackled, searched, and detained in a tense environment that exposes them to violence. They are "subjected to some of the most restrictive conditions of confinement in the country; some are even incarcerated in maximum-security facilities [7]. "

The length of detention is also problematic: in 2023, more than one hundred people detained by the CBSA had been held for over 99 days. Furthermore, although this trend has decreased significantly over the last decade, some migrants are still detained for more than a year (14 people in 2023).

In general, numerous complaints of racism against CBSA officers are registered and found to be substantiated. Allegations of racial profiling and discrimination by the CBSA have also been documented, including by the CBSA itself. In fact, a study conducted by the CBSA and published in 2022 concluded:

> 25% (n=227) of frontline respondents (n=922) reported having directly witnessed discrimination against a traveller by another colleague in the past two years. Among these respondents, 71% (n=162) indicated that the discrimination they witnessed was based, in whole or in part, on race, and 76% (n=173) on the national or ethnic origin of the travelers [8].

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[6] Brigitte Bureau, « Emprisonnement sans limite », *Radio-Canada*, en ligne: <https://ici.radio-canada.ca/recit-numerique/5124/immigration-deportation-droit-humain-avocat-refugies-politique-federale>

[7] *" I didn't feel like a human being " The Detention of Migrants in Canada and its Impact on Mental Health , " by* Human Rights Watch, 2021

[8] Canada Border Services Agency Government of Canada, "Assessment of Traveller Treatment under ACS+", (July 5, 2022), online: <https://www.cbsa-asfc.gc.ca/agency-agence/reports-rapports/ae-ve/2022/menu-fra.html>.

The existence of systemic racism within the CBSA was also acknowledged by the Canadian Prime Minister in 2020.

Setbacks to the right to asylum

In October 2025, the Government of Canada introduced Bill C-12, *An Act to strengthen Canada's immigration system and border*. Among the provisions of concern, Parts 6 and 8 of the bill would drastically restrict the right to asylum and procedural guarantees. In October 2025, at the International Federation for Human Rights (FIDH) Congress, a resolution was unanimously adopted calling on Canada to withdraw this bill.

With respect to Part 6, the provisions would weaken the legal safeguards associated with the refugee status determination process before the Immigration and Refugee Board (IRB). The legislation would create a supplementary review conducted by the Minister of Immigration, Refugees and Citizenship after the admissibility assessment of the claim has been examined (sections 43-45). It would grant the Minister significant powers, including the power to reassess admissibility, gather documents and information related to the claim, refer it for discontinuance, and withdraw it upon receipt of written notice. The bill remains silent on the documents and information the Minister could obtain, in addition to those already required by the IRB, and does not provide for them to be specified by regulation.

This is likely to result in requirements that are impossible to meet within the given timeframes, especially given the recurring communication problems between the government and asylum seekers. Furthermore, quality legal services are currently difficult to access, leading to more withdrawals and increased human rights violations. On the one hand, withdrawal means that individuals are deprived of the possibility of having their claims examined on their merits (unless a request for reopening is approved). On the other hand, it leads to denials of economic and social rights, depriving individuals of access to healthcare and the right to work.

Regarding the Minister's power to issue a withdrawal notice, the LDL is concerned that asylum seekers may be coerced by officials into signing such a notice, as repeatedly reported by immigrant support organizations, or that they may not understand the consequences of signing the document, particularly if they are not represented. Furthermore, since the deadline for completing the review will be set by regulation, it is also possible that, faced with the requirements of this procedure, individuals may choose to withdraw their claims. These scenarios represent significant obstacles to the right to asylum and violate the guarantees of procedural fairness.

Part 8 of Bill C-12 constitutes a direct attack on the right to asylum and the principle of non-refoulement. It would introduce two new grounds for inadmissibility (section 78) that will leave many people without access to international protection.

The first reason aims to restrict the possibility of claiming asylum for individuals who have been in Canada for more than a year since their initial entry. However, there are many situations that can explain why people wait more than a year to file their claim. These can include changes in conditions in their country of origin or threats made by a criminal organization against a person's family. This reason also risks

excluding populations who find themselves at the intersection of multiple forms of oppression, such as women who are victims of domestic violence or LGBTQ+ individuals, who face particular obstacles in the asylum process.

The second reason will prevent people who cross the Canada-US border irregularly from accessing the Immigration and Refugee Board (IRB). Currently, people arriving from the United States can claim asylum up to 14 days after their entry. They will no longer be able to do so and will only have access to the Pre-Removal Risk Assessment (PRRA). The PRRA is far from being an equivalent procedure to refugee status determination by the Refugee Protection Division (RPD). The differences are significant: lack of independence and lesser expertise of decision-makers; a procedure based solely on written submissions (i.e., without a hearing), except in exceptional circumstances; no appeal process (other than judicial review); and a paltry approval rate. The consequences will be even more devastating for women and LGBTQ+ people. Finally, the retroactive nature of these provisions constitutes a blatant and unjustifiable injustice.

Denial of rights for people without status and those with precarious status

As the Special Rapporteur on modern forms of slavery highlighted in 2024, following his visit to Canada, existing laws enable a form of modern slavery and the intense exploitation of migrant workers. Many organizations are calling for an end to closed work permits, which tie a person's right to be in and work in Canada to a single employer. This employer exclusivity creates significant vulnerability to exploitation. A migrant worker who experiences harassment, sexual abuse, or unacceptable working conditions cannot simply change jobs and employers.

Undocumented people, estimated at *at least* 500,000 across Canada, also live in extreme poverty. Their immigration status impacts their rights to health care, education, an adequate standard of living, housing, safety, dignity, and much more. Undocumented women are more vulnerable to sexual violence. Undocumented people have very limited access to justice in cases of abuse, as initiating legal proceedings carries the risk of arrest and deportation.

The LDL, like many other civil society organizations, notes that the vulnerability of undocumented people has increased, despite the federal government's promise of a large-scale regularization program four years ago. This program has never materialized.