



Government of Canada  
Permanent Mission of Canada  
to the United Nations and the  
Conference on Disarmament

Gouvernement du Canada  
Mission permanente du Canada  
auprès des Nations Unies et de  
la Conférence du désarmement

**Note No.: GENEV-7886**

**Reference:**

HRCttee 2348/2014 - Nell TOUSSAINT

Canada's reply to the Committee's request for further information on follow-up to the Committee's views.

The Permanent Mission of Canada to the United Nations and the World Trade Organization at Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to submit to the Human Rights Committee, Canada's reply to the Committee's request for further information on follow-up to the Committee's views in regards to HRC 2348/2014 on behalf of Nell TOUSSAINT.

The submission consists of one Word document.

The Permanent Mission of Canada to the United Nations and the World Trade Organization at Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

  
  
Geneva, 7 April 2022

**REPLY OF THE GOVERNMENT OF CANADA TO THE  
HUMAN RIGHTS COMMITTEE'S REQUEST FOR FURTHER  
INFORMATION ON FOLLOW-UP TO THE COMMITTEE'S VIEWS IN  
COMMUNICATION NO. 2348/2014 SUBMITTED BY  
MS. NELL TOUSSAINT**

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1. By letter dated 11 October 2021, the Secretariat of the United Nations (High Commissioner for Human Rights) requested that Canada provide updated information on the measures taken to give effect to the Human Rights Committee's (the Committee) views adopted on 24 July 2018 with regard to communication No. 2348/2014, *Nell Toussaint v. Canada*.
2. In its views, which were transmitted to Canada on 6 August 2018, the Committee had found that, by denying the author state-funded health care coverage under the Interim Federal Health Program (IFHP) between 2009 and 2013, Canada had violated the author's right to life under article 6 of the *International Covenant on Civil and Political Rights* (the "Covenant"), as well as her right to equality under article 26.
3. The Committee asked that Canada provide Ms. Toussaint with compensation for the harm she suffered, and that Canada take steps to prevent similar violations in the future, including reviewing its national legislation to ensure that irregular migrants have access to essential health care to prevent a reasonably foreseeable risk that can result in loss of life. The Committee's views suggested that such healthcare should be state-funded.
4. On 1 February 2019, Canada submitted its response (dated 29 January 2019) to the Committee's views. In this response, Canada explained that, having carefully and in good faith considered the Committee's views, Canada cannot agree with the Committee's reasoning in this case. The response sets out detailed reasons for Canada's disagreement with the Committee's views, both with respect to articles 6 and 26 of the *Covenant*.
5. Consequently, Canada informed the Committee that, while it had taken steps to disseminate the Committee's views by posting them on a government website, it would not be taking any further measures to give effect to the Committee's views.
6. For the reasons set out in its submission dated 29 January 2019, Canada will not be following up further on the Committee's recommendations. Canada has closed its file in this communication and it respectfully requests that the Committee do the same.

Ottawa, Canada

6 April 2022