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Individual NGO Submission: for the Universal Periodic Review of the human rights situation in Canada (2023)

Submitted by: International Foundation Witnesses Ashoora

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The international foundation “Witnesses of Ashoora” was established in 2013 as a religious and cultural organization and was granted a consultative status in 2021. The goals of this institution are as follows:

- Protecting Muslim rights
- Condemning crimes against Muslims around the world
- Preventing the desecration and destruction of historical and religious monuments

This report explains why Canada must take urgent steps to protect the rights of immigrants and refugees following national and international obligations. The international foundation “Witnesses of Ashoora” makes recommendations to improve the implementation of human rights norms for indigenous peoples in various regions:

- Recommendations on the implementation of the rights of immigrants and refugees
- Recommendations on the elimination of racial discrimination
- Recommendations on ensuring respect for distinctive identities
- Recommendations on respect for the rights of minorities and persons belonging to them

The Rights of Asylum Seekers and Immigrants

- According to the reports, a 21-year-old man was detained illegally in Quebec and awaiting his trial but he died in hospital after reportedly suffering fatal injuries during an intervention by guards was awaiting trial. suffered fatal injuries¹.
- According to The Tyee, many lawyers and human rights activists consider Canada's immigration detention centers very troubling. The system has many layers and can cause avoidable harm to migrants, refugees and permanent residents, and those who do not hold Canadian citizenship for indefinite periods of time, leading to terrible outcomes. Immigration detention is a mechanism whereby the Canadian state can arrest and detain non-citizens for a variety of very broadly worded grounds. That process can take weeks or maybe months and during that time, the individual or migrant might live in a place where they are not respected and their rights are violated. It is well established that immigration detention operates in ways that treat racialized people in harsher ways. Racialized people tend to be detained for longer periods of time and under harsher conditions of confinement².

1 <https://globalnews.ca/news/9381389/montreal-prison-manager-and-guard-suspended-death-illegally-detained-21-year-old/>

2 <https://thetyee.ca/News/2023/01/02/Immigration-Detention-System/>

- RCMP and the BC Coroners Service stated that a detainee, who was being held at the Immigration Holding Centre in Surrey, died on Christmas Day while in custody in 2023.³
- According to a CBS report in 2022, those who are in immigration detention, including people with disabilities and asylum seekers, are in difficult conditions and may be kept in these conditions for a long time. they can be detained for months or even years with no time limit. Many of them are held in provincial jails and with people who have been convicted and arrested on criminal charges and are also sometimes placed in solitary confinement⁴.
- According to the reports in 2022, at least 300 people have been held in immigration detention for over a year, with the longest detainment lasting 11 years. At least 17 people have died in CBSA custody since 2000 and remain unnamed and their cause of death is unknown to the public⁵.
- Human Rights Watch reports on 14 Nov. 2022 show that people of colored skin communities, especially black men, are locked up in immigration detention centers in more limited conditions and for a longer period of time. People with disabilities also experience discrimination during immigration detentions⁶.
- According to the report in 2022, the Canadian government pledged to bring 40,000 Afghan refugees to Canada, but since the government made that commitment, only 8,580 Afghan refugees have made it to Canada. Canada has received 17000 applications from Afghan nationals under the Special Immigration Measures Program. Many Afghan people are still living in their country and couldn't manage to immigrate and their lives are in danger⁷.
- Findings of Amnesty International and UN Watch in 2021 show that the Canadian authorities held 8,825 immigration detainees between the ages of 15 and 83 from April 2019 to March 2020 and 1935 of whom are held in provincial jails. Meanwhile, 136 children, including 73 children under 6, have to be held in prison just to be with their parents.
- Findings of Amnesty International and UN Watch in 2021 reveal that Since 2016, Canada has imprisoned more than 300 immigrants for more than a year. According to Samer Muscati, the Associate Director of disability rights at Human Rights Watch, the Canadian government is proud to welcome asylum seekers and newcomers with open arms, while this country, as one of the northern countries of the world, has people who need protection and security. they have taken refuge in, detains them indefinitely, which has a devastating effect on the asylum seekers' mental health
- According to reports in 2021, immigration detainees who are from communities of color, particularly detainees who are Black, appear to be held for longer periods, often in provincial jails. In 2019 the largest portion of immigration detainees held for longer than 90 days was from countries in Africa⁸.

3 <https://globalnews.ca/news/9374777/detainee-dies-b-c-immigration-detention-centre/>

4 <https://www.hrw.org/news/2022/04/04/legal-analysis-agreements-allowing-immigration-detention-canadian-provincial-jails>

5 <https://theconversation.com/the-detention-of-migrants-in-canadian-jails-is-a-public-health-emergency-194968>

6 <https://www.hrw.org/news/2022/11/14/immigration-detention-campaign-focuses-canadas-federal-government>

7 <https://b2n.ir/e68531>

8 <https://www.amnesty.org/en/latest/news/2021/06/canada-abuse-discrimination-immigration-detention>

- According to government statistics, in the three-year period between April 2017 and March 2020, about a fifth of immigration detainees were held in Ontario provincial jails, 174 out of 853, had experienced racial discrimination at least once.
- According to reports in 2020, 40% of immigration detainees suffered from mental problems or had developed suicidal thoughts.
- From 2019 to 2020, 1066 detainees have been held in Ontario jails among whom 176 prisoners have been placed in solitary confinement and 46% of them had developed suicidal thoughts due to mental problems⁹.
- According to Human Rights Watch's report in 2020, incarceration of immigrant prisoners in maximum security prisons in much more restrictive conditions than in immigration detention centers has led to longer prison terms
- In 2019, a new migrant detention facility in Quebec was built by the Canadian Prime Minister, Justin Trudeau. The facility cost over \$38 million (or 50 million Canadian dollars) and can house up to 500 individuals.¹⁰
- According to the reports in 2016, there are 70 percent more Black Canadians in federal prison than there were 10 years ago. African-Americans account for 37 percent of the prison population and 13 percent of the general population¹¹.
- According to government statistics, in the three-year period between April 2017 and March 2020, about a fifth of immigration detainees were held in 78 provincial jails across Canada. In the six months following the onset of the pandemic, between April and September 2020, 50 percent of immigration detainees were held in provincial jails. The average length of detention more than doubled, to 29 days compared with the same period the previous year, and at least 85 people were held for 100 days or longer¹².
- Recent government statistics reveal that 118 children were detained or housed in detention centers in 2018-2019. This is while the imprisonment of adult immigrants continues in this country and in 2018-2019, 7212 adult immigrants and asylum seekers were locked up in prisons.¹³

Recommendation:

- Constant actions following obligations to uphold the principle of non-refoulement of refugees.
- Constant efforts to protect and support immigrants and refugees to have a decent life
- Providing suitable social and economic situations to create job opportunities for refugees.
- Removing the legal and social barriers to prevent and stop forced deportation
- Fighting the trafficking of migrant and refugee women, young girls, and children
- Protecting refugees against xenophobic attacks by extremist groups

9 <https://www.amnesty.org/en/latest/news/2021/06/canada-abuse-discrimination-immigration-detention>

10 <https://www.washingtonpost.com/opinions/2019/07/24/canada-needs-take-hard-look-its-own-migrant-detention-system/>

11 <https://torontoist.com/2016/04/african-canadian-prison-population/>

12 <https://www.hrw.org/news/2021/10/14/canada-stop-incarcerating-immigration-detainees-provincial-jails>

13 https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/CallEndingImmigrationDetentionChildren/CSOs/Amnesty_International_Canada_submission.pdf

- Ensuring the enjoyment of all asylum seekers of their basic human rights and protecting them against arbitrary detention, humiliation, and forced deportation;