



## Canadian Unitarians for Social Justice

*A national faith-based organization founded in support of Unitarian values*

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February 14, 2011

Rt. Hon. Stephen Harper,  
Prime Minister of Canada,  
House of Commons,  
Ottawa, Ontario K1A 0A6

Dear Prime Minister,

The Board of the Canadian Unitarians for Social Justice is concerned about Bill C-49, amendments to the criminal code regarding trafficking in persons. We understand the importance of addressing the problem of human trafficking, and of preventing large numbers of people from coming to Canada illegally, especially when the world is in such turmoil. We understand your desire to make it clear to people abroad that they can't jump the immigration queue to Canada without consequences. Nevertheless, we feel that the approach you are taking has too high costs in terms of the integrity of Canada's democracy and particularly in terms of human rights and respect for the individual in Canada.

- The amendments are **too broad**, making it possible to treat any refugee who comes to Canada as a "designated person" subject to automatic detention.
- The amendments would **punish the "victims"** of human trafficking instead of dealing with the perpetrators.
- They don't meet Canada's international **human rights and refugee protection** obligations:
  - **There should be no penalties for unlawful entry:** *Article 31(1) of the Refugee Convention* says that "The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened.
  - **The right to be free from arbitrary detention.** Bill C-49 allows for mandatory detention for up to one year, with very little opportunity for review. Using detention to penalize refugees for irregular entry into a country very clearly contravenes Canada's obligations under *Article 31 (2) of the Refugee Convention*.
  - **The right to family life.** Designated persons will not be able to apply for family reunification for five years, even though their claim for refugee status in Canada is accepted by the Immigration and Refugee Board. This leads to violations of the right to family life; a right which is protected in both

the International Covenant on Civil and Political Rights art. 17,23(1)(2), and 24(1), the International Covenant on Economic, Social and Cultural Rights art. 10(1) and the Convention on the Rights of the Child. art. 9(1), 10(1)

- **The right to equal access to justice.** Unlike other refugee claimants, they will not be allowed to appeal a negative refugee decision to the Immigration and Refugee Board's Refugee Appeal Division. An appeal is a fundamental safeguard in refugee decision-making, where a person's life and liberty may be at stake. This right is protected in the *Refugee Convention article 32(2)* To withhold the opportunity to appeal solely on the basis of how an individual has arrived in Canada is punitive and discriminatory. Refugee Convention article 31 and the Canadian Charter of Rights sec 15

We are aware that the approach you are choosing offers the ability to control costs and increase efficiency in the system. However, it is unacceptable and, we believe, against international law, to achieve these efficiencies at the expense of people's basic human rights for fair treatment and justice in Canada.

Prime Minister Harper, we call on you to withdraw this bill, and instead to invest sufficient resources in our refugee, immigration, and justice systems to handle the situations that arise in a fair, respectful, and timely manner. This need not be a matter for party politics. I ask Conservatives to work with the other parties to get a bill that addresses the concerns within the framework of Canadian values and laws, and of Canada's international human rights and refugee protection obligations.

Sincerely yours,

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Cc Hon. Michael Ignatieff,, Leader of the Opposition  
Hon. Gilles Duceppe, BLOC Quebecois  
Hon. Jack Layton, New Democratic Party of Canada  
Hon. Jason Kenney, Minister of Immigration