

**Submission by Human Rights Watch
to the UN Human Rights Committee in Advance of its Adoption of the List of
Issues for Canada's Seventh Reporting Cycle
May 2021**

This document provides an overview of Human Rights Watch's observations and questions to Canada in advance of the Human Rights Committee's ("the Committee's") upcoming pre-session review of Canada.

We hope that it will inform the Committee's consideration of the Canadian government's ("the government's") compliance with its obligations under the International Covenant on Civil and Political Rights ("the Covenant") and prove useful as the Committee draws up the "List of Issues" to seek further clarity from the government on outstanding issues regarding its adherence to the Covenant.

The concerns described below derive from our ongoing research in Canada since the last periodic review in 2015. They include Canada's failure to repatriate Canadian Islamic State (ISIS) suspects and their families unlawfully detained in northeast Syria; and accountability for human rights impacts of climate change on Indigenous communities.

Failure to repatriate Canadian ISIS suspects and their families unlawfully detained in northeast Syria (Arts. 2, 6, 7, 9, 10, 12, 14, and 24)

1. Human Rights Watch is deeply [concerned](#) that an estimated 44 Canadian men, women, and children remain arbitrarily and indefinitely detained in prisons and camps in northeast Syria holding Islamic State (ISIS) suspects and their family members. The Canadians, most of whom are children under the age of 6, are among nearly 14,000 non-Iraqi foreigners who were detained by the armed forces of the Kurdish-led Autonomous Administration since the fall of ISIS's self-declared caliphate in March 2019.
2. Despite being detained for over two years, and in some cases longer, these Canadians have never been brought before a judge to review the legality and necessity of their confinement. The Canadian women and children are being detained solely because of their familial ties to male ISIS suspects, amounting to guilt by association and collective punishment.
3. The detained Canadians are held in deeply degrading and often inhuman and life-threatening conditions amid growing insecurity, shortages of vital aid, a deadly global pandemic and a non-international armed conflict. According to humanitarian groups and the International Coalition Against ISIS, security and safety incidents inside al-Hol and Roj, the locked camps that hold Canadian women and children, are increasing at an alarming rate. According to the UN Office of Counterterrorism, more than 700 camp residents [have died](#) in the past two years, including at least 29 so far in 2021. Most have died from a lack of medical care while others have been [killed by detainees](#) who remain [loyal to ISIS](#), in [crossfire](#) between detainees and guards, or because of [tent fires and other safety hazards](#). As many as several hundred men have also died in the

inhumanly overcrowded, unsanitary, and understaffed prisons detaining foreigners. According to available statistics, between 11,000 and 16,000 people have developed Covid-19 in northeast Syria, including several in the camps for these detainees, but aid groups say the real number is likely much higher as people struggle to access health care, including testing, in the region.

4. Twenty-two UN specialized human rights experts have noted in a letter to Canada and other countries whose nationals are detained in northeast Syria that the “violence, exploitation, abuse and deprivation” suffered by these foreign detainees “may well amount to torture or other cruel, inhuman or degrading treatment or punishment under international law” with no effective remedy.
5. The government of Canada has yet to announce any repatriation plan for Canadians detained in northeast Syria. Canadian consular officials have also had little to no direct contact with the detainees, much less taken steps to improve the conditions of their detention. Nor has Canada officially recognized the citizenship of the detained children born in Syria to Canadian parents, leaving them effectively stateless. To date, the government of Canada has offered only excuses to justify Prime Minister Justin Trudeau’s unwillingness to spend political capital to repatriate Canadian nationals with suspected ISIS ties.
6. Despite the Kurdish authorities pleading with states to repatriate their nationals, Canada has only brought home two Canadian children thus far, a 5-year-old orphan and a 4-year-old girl whose Canadian mother remains detained. While Canada may have obtained the mother’s consent to repatriate her child, Human Right Watch questions whether consent can be informed and voluntary for women indefinitely detained with no access to redress or counsel.
7. For over two years, Canada has flouted its international legal obligation to intervene when its citizens abroad face serious abuses including risks to life, torture, and inhuman and degrading treatment. Despite the growing humanitarian crisis, and the indefinite detention in appalling conditions of Canadian nationals, the government has taken a piecemeal, case-by-case approach to repatriations.

We encourage the Committee to ask the government:

1. What is the reason for the delays in repatriating Canadians held in northeast Syria?
2. What specific steps, if any, is the government of Canada taking to help bring home Canadian nationals held in life-threatening conditions in the camps and prisons of northeast Syria?
3. In the past two years, has the government developed a comprehensive plan to bring home its nationals for rehabilitation, re-integration, and, if warranted, prosecution?
4. What specific steps, if any, is the government of Canada taking to protect its detained nationals from Covid-19 and other threats to life in northeast Syria?
5. What specific steps has Canada taken to verify and recognize the citizenship of children born in Syria to Canadian parents who have no identity papers?
6. How many of the estimated 44 Canadians held in camps and prisons in northeast Syria for two or more years have consular officials spoken with by telephone, video, or other means? What specific steps is this government taking to contact these citizens?

7. Has the government refused entry to Canada—or indicated it will do so—for any Canadian citizen currently in Syria? If so, on what grounds?
8. What requests, if any, has the government made to the authorities in effective control of the prisons and camps in northeast Syria, such as the Kurdish-led Autonomous Administration and the affiliated Syrian Democratic Forces (SDF), regarding Canadian citizens held in these prisons and camps?
9. Has the government asked the Autonomous Administration and/or the SDF to bar Canadian nationals held in northeast Syria from either leaving the camps or prisons or crossing into the Kurdistan Region of Iraq or into Turkey to receive consular assistance?

Accountability for Human Rights Impacts of Climate Change on Indigenous Communities (Arts. 2, 6, 17, 26, and 27)

1. Human Rights Watch is [concerned](#) about the growing toll that climate change is taking on First Nations in Canada, depleting food sources and affecting health. The Canadian government is not adequately supporting First Nations' efforts to adapt to the mounting crisis and is failing to do its part to reduce the global greenhouse gas emissions that are driving it.
2. Food poverty risks reaching increasingly dangerous levels in First Nations as climate change impacts across the country intensify and accelerate. In a 2020 report, Human Rights Watch [documented](#) how climate change impacts—including more extreme weather, thawing permafrost, reduced snow and ice, and more wildfires—are depleting First Nations' traditional food sources, increasing the danger and difficulty of harvesting, and driving up the cost of imported alternatives. First Nations members Human Rights Watch interviewed described having to skip meals or purchase less healthy, but more affordable food in local stores to supplement inadequate supplies of traditional food.
3. First Nations in Canada disproportionately experience impacts on their right to food. The 2017-2018 Canadian Community Health Survey (CCHS) by Statistics Canada reported that [28.2 percent](#) of Indigenous households off-reserve experienced food insecurity compared to 11.1 percent of white households. The First Nations Regional Health Study reports that approximately [half](#) of First Nations households on-reserve and in northern communities nationwide were moderately or severely food insecure.
4. Meanwhile, Canada is not doing its part to advance global efforts to address the change in global temperature, which is contributing to loss of traditional food sources. Canada has not set an adequately ambitious emissions reduction [target](#) to keep global temperature rise below 1.5°C. In any case, the government is not on track to meet either its 2030 emissions targets or net-zero by 2050. Despite its relatively small population of approximately 37.5 million people, Canada is still among the top 10 countries worldwide in GHG emissions, with per capita emissions approximately three to four times the global average and growing.
5. Climate-exacerbated food poverty carries serious [health implications](#) for First Nations, especially for First Nations children. Studies have shown that loss of traditional food and related harvesting practices, along with increased reliance on processed, lower-

nutrient imported foods, is tied to increased negative health outcomes in northern and remote communities, such as increased chronic diseases, and in particular, higher rates of obesity and diabetes, including among First Nations children. Some studies also suggest that malnutrition at an early age may increase risks of developing Type 2 diabetes. While diabetes tends to be present in individuals 50 years and older, it has been appearing earlier and at increasing rates among First Nations children.

6. Climate-induced food insecurity also adds to an already significant mental health crisis facing many First Nations as a result of historical and intergenerational trauma, discriminatory government policies, enforced separation of children from families and communities, insufficient access to mental health care and psychosocial support, and more.
7. Canadian federal climate change policies have largely ignored the impacts of climate change on First Nations' rights to food and health. Most existing policies were designed without meaningful participation of First Nations and fail to monitor—let alone address—human rights impacts in these communities. Food subsidies and health resources required to respond to the current and projected impacts are often not available, insufficient, or do not reach those who need it the most.
8. For example, the federal government's "Nutrition North" program subsidizes a list of nutritious foods transported from registered southern retailers. This program is the major means of supplementing inadequate supplies of locally harvested food. However, since its inception in 2011, the program has not led to remote, northern communities securing access to affordable, healthy food: food prices in community-based stores remain high, with healthy food options financially unattainable for many.

We encourage the Committee to ask the government:

What measures it plans to take to ensure First Nations members can enjoy their right to life, and in particular a life with dignity, in the face of significant climate impacts on the environment and traditional harvesting, including measures to:

1. Significantly reduce greenhouse gas emissions beyond current targets, increase emissions reduction targets to meet the goals of the Paris Agreement, and prevent further foreseeable harm from climate change?
2. Ensure all First Nations members in need can access Nutrition North subsidies and will be able to afford healthy and nutritious food in community stores or by ordering from the nearest major city?
3. Offer comprehensive, holistic, and flexible programming to address food poverty in First Nations experiencing climate impacts on food?
4. Ensure long-term, sufficient, predictable, and sustainable funding to First Nations to respond to climate change impacts?