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RIGHTS ORGS: THUNDER BAY EMERGENCY ORDER IS UNCONSTITUTIONAL

TORONTO, March 8, 2021 — The Canadian Civil Liberties Association (CCLA), HIV & AIDS Legal Clinic Ontario (HALCO) and Aboriginal Legal Services (ALS) are advising Thunder Bay's Medical Officer of Health that she has vastly overstepped her legal authority with a February 8th emergency order.

"The order is shocking," said Abby Dushman, Director of the CCLA's Criminal Justice Program. "We have not seen anything comparable anywhere else in Canada. Dr. DeMille has overreached, and by not making this particular order accessible to the public, she is dictating in secret."

At issue is a February 8th Class Order that allows Thunder Bay District Health Unit to detain individuals being released from Thunder Bay District Jail indefinitely. The February 8th Order is distinct from a broader Class Order issued by Dr. DeMille on March 2nd.

The CCLA, HALCO and ALS are calling on the Thunder Bay Medical Officer of Health to rescind the February 8th emergency order immediately.

"There is no doubt in my mind that this Order violates *Charter* rights and oversteps the emergency powers conferred upon Medical Officers of Health," continued Dushman.

"This order will disproportionately impact Indigenous people" said Caitlyn Kasper, senior staff lawyer at ALS. "They are being singled out for more restrictive public health measures – including forced testing and illegal detention. The rules for the rest of Thunder Bay residents are not nearly this excessive."

"The bottom line is that the Thunder Bay District Jail has failed to keep people safe during the pandemic. The Medical Officer of Health cannot fix that through an unjustifiable emergency order that discriminates against Indigenous people," continued Kasper.

"Unlike the broader Class Order recently issued in Thunder Bay, the order targeting people released from the jail has not been posted publicly or communicated clearly," said Khalid Janmohamed, Director of Litigation Services for HALCO. "Our clients know first-hand how coercive these public health orders can be. Medical Officers of Health are granted extraordinary authority to protect public health – but they are still subject to the law. Detaining people without legal authority is a fundamental violation of constitutional rights."

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[Aboriginal Legal Services](#) (ALS) is a multi-service legal agency that provides services to the Aboriginal community in Ontario and elsewhere.

The [Canadian Civil Liberties Association](#) (CCLA) is a national non-partisan, non-profit organization that works to protect the rights and freedoms of all people in Canada.

The [HIV & AIDS Legal Clinic Ontario](#) (HALCO) is a community-based legal clinic that provides free legal services for people living with HIV or AIDS in Ontario, Canada.

Media Contact:

media@ccla.org

David Valentin

514.913.5524