

CANADIAN
CIVIL LIBERTIES
ASSOCIATION



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CANADIENNE DES
LIBERTES CIVILES

Thursday, February 6, 2020

The Honourable David Lametti
Attorney General of Canada
House of Commons
Ottawa, Ontario K1A 0A6

Dear Mr. Attorney,

I am writing you about the quarantine of Canadians returning to Canada from Wuhan, China. The Canadian Civil Liberties Association believes that they all ought to be afforded independent legal counsel, given their right to be free from arbitrary detention, to liberty and to due process. It is unrealistic to expect them to arrange for their own lawyers to attend at a hospital or at Trenton, if that were even possible. The greater likelihood is that they may be denied legal counsel, whilst their liberty is affected by quarantine. The fulfillment of your constitutional duties requires action in their regard.

Primarily a public health matter, requiring coordination of Health Ministries and Chief Medical Officers across the country, there always remains the matter of peoples' civil liberties during a quarantine, where legally authorized. Post-SARS, new statutes were passed by federal and provincial legislatures. Emergency management laws and policy tools are robust in Canada today. However, those laws can limit peoples' liberty, and they ought to be implemented in a manner consistent with the relevant legal provisions, and our Constitution. Your job as Attorney General requires superintending the rule of law, strict legal compliance, and working with authorities to avoid abuse of these powers to detain individuals, for example, under the Quarantine Act, and to work with provincial, territorial and municipal authorities, to ensure consistent and prudent application of federal and local laws.

While cooler heads have prevailed in Canada, to date, the arrival of Canadians from Wuhan raises risks of quarantine too short or too long. Let the science decide within the parameters of the law. It is not for any of us to presume that these Canadians will avail themselves of their right to counsel. But should they so wish, this ought to be facilitated, with the assistance of the Attorney General of Canada. CCLA will gladly advise and assist as need be. Providing the group with a lecture from a government lawyer, without more, will not suffice. Your office could triage the provision of legal services, in all languages, to all affected individuals, by counsel independent of government, serving only the interests of their client.

Thank you for considering the foregoing.

Sincerely,

A handwritten signature in blue ink, appearing to read 'MB', is written over a horizontal blue line.

Michael Bryant
Executive Director & General Counsel
Canadian Civil Liberties Association - mbryant@ccla.org