



June 2, 2021

Honourable Lorne Kusugak
Minister of Health
Government of Nunavut
Box 1000, Station 1000
Iqaluit, NU X0A 0H0
lkusugak@gov.nu.ca

Dr. Michael Patterson
Chief Public Health Officer, Dept. of Health
Government of Nunavut
Box 1000, Station 1000
Iqaluit, NU X0A 0H0
mpatterson@gov.nu.ca

Delivered by Email

RE: Travel and Self-Isolation Requirements

Dear Minister Kusugak and Dr. Patterson,

I am writing on behalf of the Canadian Civil Liberties Association (CCLA) regarding Nunavut's protocols for individuals wishing to enter the territory (including residents returning to Nunavut after being out of the territory for medical care). These protocols are offside the law and the latest science, in light of recent recommendations by the federal COVID-19 Testing and Screening Expert Advisory Panel. In our view, the measures as they currently stand are not proportionate and must be revised.

As you know, the *Canadian Charter of Rights and Freedoms* guarantees mobility rights and these rights can only be limited in a manner that is both reasonable and demonstrably justified. In other words, restrictions on mobility must be both necessary and proportionate. We urge you to review Nunavut's current restrictions in this light.

We understand that individuals entering the territory, subject to some very limited exceptions, must isolate in a hotel outside of the territory for 14 days prior to their return. This applies to residents of the territory and non-residents alike and includes individuals who left the territory to receive necessary medical care. It goes without saying that a two-week isolation period in a hotel is a hardship for many. After more than fourteen months of the pandemic, individuals are understandably anxious to tend to various matters that may involve some travel, including reuniting with family outside the territory from whom they may have been separated for over a year. The requirement to extend any trip by an additional two weeks is a significant restriction and renders travel simply not possible for many.

Although the mandatory hotel isolation may have been justified at a certain point in time, our collective understanding of the virus has evolved significantly. Recently, the federal COVID-19 Testing and Screening Expert Advisory Panel recommended adjustments to federal quarantine requirements that should, in our view, also be considered by the provinces and territories as they continue to evaluate their own restrictions on travel and isolation requirements. In particular, the Panel notes that a 7-day quarantine with testing on day 7 may be similarly effective to a 14-day isolation period alone. The Panel also recommends different testing and isolation requirements based on an individual's vaccination status. The Panel's recommendations would eliminate the self-isolation requirement for those who are fully vaccinated and receive a negative test result on arrival in the country. This recommendation may be particularly relevant given Nunavut's relatively high level of vaccination. According to the most recent data available on the government's website, approximately 60% of adults over age 18 in the territory are fully vaccinated.



At the outset of the pandemic, when much was unknown, governments took a number of measures based on the best available evidence at the time. But COVID-19 is no longer a new or unknown virus and governments across the country must be engaged in a continual process of review to ensure that the measures they have put in place balance the risk posed by COVID-19 with other important interests, and particularly respect for constitutional rights. The *Charter* requires that when governments restrict rights, they do so in a manner that is minimally intrusive. In the current circumstances, the ongoing requirement for a 14-day isolation period fails this test. We strongly urge you to revise these measures.

We look forward to your reply.

Sincerely,

Cara Faith Zwibel
Director, Fundamental Freedoms Program
Canadian Civil Liberties Association
900-90 Eglinton Ave. E., Toronto, ON M5M 4M3
czwibel@ccla.org 416 6461409
media@ccla.org