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# Reception

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## **Body:**

### **Hero:**

Because human rights are for everyone!

### **Hero Description:**

Against the multiple risks and setbacks that human rights face, we must speak, act and denounce, which the League of Rights and Freedoms is doing relentlessly.

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#### **News 1:**





Pinel: Complex cases cry out for help!

September 12, 2024

Rights and Freedom Review

## News 2:



For the prohibition of police arrests once and for all

September 4, 2024

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### **News 3:**



Estates General of the Public Service of Quebec

August 28, 2024

Memories and representations

### **Our struggles:**

Rights of persons in detention

Indigenous peoples' rights

Racism, social exclusion and secularism

Migrants' rights

Environment and human rights

Rights to health

### **Button Struggles:**

[See more struggles](#)

## **Testimonials:**

### **Émilie Roche, Activist for minority rights**

"The League of Rights and Freedoms plays a crucial role in raising awareness of human rights. Their impartiality and commitment to critical thinking helped me advocate for minority rights more effectively. »

### **Jean-Pierre Martin, Ethics and Human Rights Teacher**

"As a teacher, I often integrate the resources of the League of Rights and Freedoms into my courses. Their ability to present diverse and balanced perspectives on human rights greatly enriches my students' learning experience. »

### **Antoine Lemoine, Professor of Political Science**

"The League of Rights and Freedoms offers a unique and balanced perspective on human rights issues, essential for any academic research. Their non-partisan approach and detailed publications are indispensable resources for my students and myself. »

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## **Body:**

### **BECAUSE HUMAN RIGHTS ARE FOR EVERYONE!**

Against the multiple risks and setbacks facing human rights, in Quebec and Canada, as elsewhere, we must speak, act and denounce. And that's something the League of Rights and Freedoms (LDL) does relentlessly! Through its mission, which is always relevant and necessary, LDL continually reminds governments of their human rights obligations.

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Currently, LDL receives funding at the mission as well as funding for some special projects. But this is not enough. Additional funding is needed to raise awareness of human rights beyond our usual circles, and to do so, your support is essential.

Because human rights are for everyone!

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### News 1:



Pinel: Complex cases cry out for help!

September 12, 2024

Rights and Freedoms Review

At the Pinel Institute, and in other psychiatric institutions in Quebec, authoritarian and dehumanizing practices are still used in too many cases. These methods, which are reminiscent of the old asylums, reveal the need for a reform, for a humane approach that respects the rights of individuals.

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September 4, 2024

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**News 3:**



Estates General of the Public Service of Quebec

August 28, 2024

Memories and representations

In the context of the digital shift, the dematerialization of government services and the implementation of artificial intelligence, several human rights issues are surfacing. It is important to act with a view to eliminating existing obstacles and in this sense, the digital shift must not create or accentuate obstacles for people who deal with the state.

**News 4:**



Against all odds: links with an incarcerated loved one

August 28, 2024

Rights and Freedoms Review

Faced with major obstacles to maintaining ties with their incarcerated loved ones, families must fight to be recognized and assert their rights. Their experiences reveal the shortcomings and injustices of a prison system that is indifferent to their suffering.

## News 5:



Canada must urgently halt arms exports to Israel

August 27, 2024

Open Letters

More than \$83 million worth of explosive mortar cartridges produced by a company operating in Quebec, General Dynamics Ordnance and Tactical Systems Inc., would be purchased by the United States and integrated into the American weapons program for Israel. The League for Rights and Freedoms and the International Federation for Human Rights call on the Government of Canada to block this transaction and to take all necessary measures to end the State of Israel's military interventions in the Gaza Strip.

## News 6:

Hatred and moral panic at the crossroads of transphobia and adult domination. –  
Forms of resistance 3/3

July 25, 2024

Notebooks

While there have been notable advances for the rights of trans and non-binary people in Quebec and Canada, significant setbacks are now being felt, as are demonstrations of hate. In this series of three blogs, we will address the issues surrounding the rights of trans and non-binary people.



## News 7:



Hatred and moral  
panic at the crossroads of transphobia and adult domination. – The causes of the  
backlash 2/3

July 25, 2024

Notebooks

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## News 8:





Hatred and moral panic at the crossroads of transphobia and adult domination. –  
How to get out of it? 1/3

July 25, 2024

Notebooks

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# Pinel: Complex cases cry out for help!

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### **Hero:**

Pinel: Complex cases cry out for help!

At the Pinel Institute, and in other psychiatric institutions in Quebec, authoritarian and dehumanizing practices are still used in too many cases. These methods, which are reminiscent of the old asylums, reveal the need for a reform, for a humane approach that respects the rights of individuals.

September 12, 2024

Rights and Freedoms Review

### **Pinel: Complex cases cry out for help!**

Jean-François Plouffe, Case and Communications Officer, Action Autonomie, the collective for the defense of mental health rights in Montreal

1961: Jean-Charles Pagé publishes *Les fous crient au secours*, the story of his internment for nearly a year at the Saint-Jean-de-Dieu asylum, which later became the Louis-Hyppolite-Lafontaine Hospital and now the Institut universitaire en santé mentale de Montréal<sup>1</sup>. He devotes a chapter to the sinister Cell Rooms, the den of the sick who have failed to discipline:

"The façade consists of heavy wooden doors at least six inches thick, reinforced with two locks at the ends. In the center, a huge chain and a sturdy padlock. On the

uniformity of the door, an eight-inch square peephole with a detachable pane that the guards open from time to time to check if the captive is dead. [...]

In the half-light of a cell, we see a thin man wearing only the grey-blue overalls special to this room. [...]

- How many days have you been here?
- One year, four months, seventeen days.
- Without ever leaving this cell?
- No, always locked up. [...]

In a low voice, I ask the guard the reason for his incarceration.

He hit a sister. »

One might think that these brutal, arbitrary, inhuman and degrading methods are no longer used today in our mental health institutions where excellence, good practices and continuous improvement reign.

Unfortunately, they still exist...

2024: After committing a violent crime, Gilbert<sup>2</sup> has been detained for six years at the Philippe-Pinel Institute of Forensic Psychiatry (Pinel). As a result of conflicts with staff members, he has been confined to his room for seven months, 24 hours a day. If he has to go out, for example to go to the shower, he is handcuffed at the wrists and chained at the ankles. On very rare and very short outings outside, he is chained to a wheelchair. Gilbert is a complex case, according to the terminology of the establishment. His situation is not exceptional. Dozens of people incarcerated in Pinel are subjected to or have suffered treatment similar to his.

"I'm an athlete, I'd like to spend my energy, it would help me refocus and maybe it would allow me to reduce my medication doses. I would like to learn a trade and

resume a slightly more normal life. Instead, I waste my time in my cell looking at the walls," laments Gilbert.

The Criminal Code provides that the mechanisms related to not responsible on account of mental disorder are not intended to punish the persons concerned, since the act they have committed does not engage their criminal responsibility. In practice, however, the consequences of this plea can be much more restrictive than a prison sentence. They are so restrictive that it is often Crown prosecutors who initiate the process. Unlike a prison sentence, a follow-up by the Mental Disorders Review Board<sup>3</sup> (CETM) does not have a predefined duration and can be much more difficult to live with than a stay in prison.

**In practice, there is a culture in Pinel, as in most institutional mental health institutions, that is directly inherited from insane asylums. It is a culture based on mistrust, authoritarianism and the balance of power.**

There are people followed by the CETM in various institutions in the health network, but it is the Pinel Institute that carries out the mandate of "the evaluation, custody and treatment of accused persons declared unfit to stand trial or not criminally responsible and subject to a strict detention decision because of the very high risk they represent for public safety."<sup>4</sup> This is where most complex cases are concentrated, such as Gilbert.

Pinel flaunts his vision where "the patient is at the centre of the care and services he receives, where the primacy of the individual is a daily issue and who is distinguished by his desire to always be on the lookout for best practices<sup>5</sup>".

In practice, there is a culture in Pinel, as in most institutional mental health institutions, that is directly inherited from the insane asylums, which Jean-Charles Pagé has described very well in his story. It is a culture based on mistrust, authoritarianism and the balance of power. If the person collaborates with the treatment recommended by the caregivers, he or she will be valued and will progress on the road to recovery. If they object or express reservations or questions, often because of the significant physical and psychological side effects that the medication causes in them, they will face constraints, intimidation and authoritarianism and even hostility from caregivers, often amplified by decisions obtained from the courts.

**In complex cases, it is as if the person's resistance to the interventions decreed by psychiatrists and other members of the treatment team is broken by force and punitive tactics, without ever considering whether other options may exist.**

In Pinel, the culture of insane asylums is all the more present because it is legitimized upstream by the court and is based on the past commission of a criminal act. The person is not only crazy, he also has a violent past that legitimizes the abuses of rights to which he is subjected. In complex cases, it is as if the person's resistance to the interventions decreed by psychiatrists and other members of the treatment team is broken by force and punitive tactics, without ever considering whether other options may exist.

In Saint-Jean-de-Dieu, in the 1960s, we had an expression for that. The guards said: "It's going to taste it properly..."

As a result, a significant number of people referred to Pinel for care to promote their social reintegration will never leave again. They will have experienced, sometimes for decades, an accumulation of frustrations and vexations that have aggravated the real emotional difficulties they were struggling with and that they had to be helped to overcome. In Pinel, as in the entire Quebec psychiatric network, there is a need to explore avenues other than medication, improve the ability of care teams to listen,

and involve the people concerned more in the development of their treatments. In other words, to abandon the traditional authoritarian approach to focus more on people's strengths, on their talents and on their motivation to acquire maximum autonomy.

Less than a month after the publication of *Les fous crient au secours*, the Lesage government set up a commission to study psychiatric hospitals, the Bédard Commission, which led to significant changes in the conditions of housing and treatment of people with mental health diagnoses.

More than 60 years after the Bédard Commission, the Government of Quebec and the Ministry of Health and Social Services should once again take steps to put an end to the deprivation of rights and dignity imposed on the complex cases of Pinel and too many other users of psychiatric services on a daily basis.

Jean-Charles Pagé, *Les fous crient au secours*, reissue presented by Jérémie Dhavernas and Anaïs Dupin, Montreal, Éditions Écosociété,

The person's name has been changed to preserve his privacy.

"The Commission d'examen des troubles mentaux reports to the Administrative Tribunal of Québec. Among other things, its mandate is to assess "the importance of the risk that a person accused [of a criminal offence] poses to the safety of the public, based in particular on his or her condition. If it decides that the person should be detained in a hospital, it sets out the measures that must be taken to ensure the safety of the public.

Online: <https://www.taq.gouv.qc.ca/fr/sante-mentale/commission-d-examen-des-troubles-mentaux/role>

Online: <https://pinel.qc.ca/qui-sommes-nous/>

Ibid.

Get Review



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# For the prohibition of police arrests once and for all

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### **Hero:**

For the prohibition of police arrests once and for all

The League of Rights and Freedoms welcomes this decisive judgment in the fight against racial profiling in Montreal. For the respect of human rights, it is now up to the City of Montreal to act by prohibiting police stops, once and for all!

04 September 2024

Press releases

## **The City of Montreal condemned for systemic racial profiling**

### **For the prohibition of police arrests once and for all**

Montreal, September 4, 2024 — The Ligue des droits et libertés (LDL) welcomes the decision rendered by Justice Dominique Poulin of the Superior Court as well as the class action brought by the Ligue des Noirs du Québec and Mr. Alexandre Lamontagne to assert the right to equality and dignity of racialized people and to put an end to discriminatory police practices.

The Tribunal found that racial profiling in Montréal was systemic (para. 37) and stated that the City "is itself at fault in that it contributes to the racial profiling caused by its stop procedure" (para. 9). The Tribunal also stated that the City "contributes to the phenomenon of racial profiling by asking its police officers to do prevention and to make stops, in a context of systemic racism [...]" (para. 11).

In addition, the practice of stopping within the Service de police de la Ville de Montréal (SPVM) was the subject of two recent research reports in 2019 and 2023

(Armony et al.). In the second report, made public in June 2023 by the SPVM, the researchers make a single recommendation rejected out of hand by Director Fady Dagher: a moratorium on stops.

Since February 2023, the LDL and more than 90 organizations have been demanding a ban on this arbitrary practice.

The LDL points out that police officers do not have the power in Quebec to make stops under the law or the common law. Police stops violate the rights and freedoms of all people and are a known and documented source of systemic racial and social profiling. Indigenous, Black, racialized and marginalized populations are disproportionately targeted by this practice which undermines their dignity.

"The Ligue des droits et libertés welcomes this decisive judgment in the fight against systemic racial profiling in Montreal. For the respect of human rights, it is now up to the City of Montreal to act by prohibiting police stops, once and for all! " says Lynda Khelil, spokesperson for the LDL

The LDL urges the City of Montreal not to appeal this judgment and to follow up on it urgently by prohibiting SPVM police officers from making arrests.

## **Highlights**

A street check is an arbitrary identity check in the public space. It is a situation where a police officer is trying to obtain the identity of a person and collect information from them, while the person has no legal obligation to identify themselves or answer questions. The information may then be recorded by the police officer in a database for police intelligence purposes, which constitutes an abusive collection of information. In common parlance, the word stop is often used to refer to all types of interactions with police, including the interception of motorists, arrest or detention. This situation is often a cause of confusion in the public debate on interpellations.

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Pinel: Complex cases cry out for help!



# Estates General of the Public Service of Quebec

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#### **Estates General of the Public Service of Quebec**

In the context of the digital shift, the dematerialization of government services and the implementation of artificial intelligence, several human rights issues are surfacing. It is important to act with a view to eliminating existing obstacles and in this sense, the digital shift must not create or accentuate obstacles for people who deal with the state.

August 28, 2024

Memory and representations

## **Presentation of the League of Rights and Freedoms**

Founded in 1963, the League of Rights and Freedoms (LDL) is a non-profit, independent and non-partisan organization that aims to make known, defend and promote the universality, indivisibility and interdependence of the rights recognized in the International Bill of Human Rights. The League of Rights and Freedoms is affiliated to the International Federation for Human Rights (FIDH).

The LDL pursues, as it has done throughout its history, various struggles against discrimination and against all forms of abuse of power, in defense of civil, political, economic, social and cultural rights. His action has influenced several public policies and has contributed to the creation of institutions dedicated to the defence and promotion of human rights, including the adoption of the Quebec Charter of Human Rights and Freedoms and the creation of the Commission des droits de la personne et des droits de la jeunesse (CDPDJ).

## Context

For years, the LDL has been interested in the protection of privacy and the surveillance of populations, both by the state and by private companies. The intrusion of digital technology into all facets of our lives has allowed for unprecedented data collection that affects all fields of activity. This data is used, in particular, for monitoring and control purposes, to analyse and influence behaviour. This immense mass of data is processed by automated decision systems (ADS) that place individuals in categories that are favorable or unfavorable to them. The algorithms behind these ADDs are opaque and often biased.

Artificial intelligence therefore raises questions that go beyond the right to privacy. It has the potential to affect all human rights. Extreme surveillance of individuals (by private companies and by the state) can impair free will, reduce people's autonomy and compromise the right to equality, freedom of expression, freedom of association and democracy. The lack of supervision of this technology is obvious and its use by the State raises many concerns.

We thank the Syndicat de la fonction publique et parapublique du Québec for its invitation to contribute to the consultations as part of the États généraux de la fonction publique du Québec.

**In the context of our present contribution, we will limit our field of intervention to axis 3 of the consultation document, which focuses on dematerialization and digital transformation.**

### **1. Access to services provided by the public service**

With regard to question 3(c) of the consultation paper, How can we ensure the best possible access to the services provided by the public service? How can we ensure that the services that are offered can be qualified as "local services"?, the said consultation document states:

In recent years, the public service has been making a digital shift. Government services are increasingly digitized, citizen requests are increasingly processed by software, and a decrease in the offer of in-person services has been observed in various departments and agencies.

[...] the enthusiasm generated by the digital shift at the CNESST justified new barriers to access to in-person services in the organization's offices, for economic reasons.

The LDL points out that for many citizens, it can be difficult to contact the administration to fulfil their obligations, find out about their rights or claim a benefit. The government's digital shift can be an additional obstacle. As the Québec Ombudsman states in its 2022-2023 report: "there is a real gap between, on the one hand, the services that are put online and, on the other hand, the people who have problems accessing these modes of communication." [1]

Literacy or digital literacy problems (often associated), difficulty accessing a computer, poor internet connection, lack of knowledge of good practices in terms of confidentiality and network security, language barrier (for example, for temporary foreign workers); Digitalization can be harmful for many groups that are already vulnerable. Thus, according to the Institut national de santé publique du Québec (INSPQ):

In general, the literature consulted explains most of the inequalities in access by income-related economic barriers as well as by the inaccessibility of telecommunications services in certain territories. [2]

It is therefore essential to maintain access to quality in-person services that are truly available. It would be a serious denial of justice if the digital shift erected new obstacles to the exercise of citizens' rights or to access government information. Indeed, many of the services provided by the public service are directly or indirectly involved in the exercise of the human rights enjoyed by all citizens. It is therefore important to act with a view to eliminating existing obstacles and in this sense, the digital shift must not create or accentuate obstacles.

## **2. Responsibility of public authorities in the face of automated decisions**

With regard to question 3. d) of the consultation document, How to ensure the accountability of public authorities when decisions concerning citizens are made partially or completely automatically?, the LDL insists on the possibility of objecting to automated decision-making as well as on the legal obligations of transparency and explanation.

Bill 25 (Bill 64) amended the Access to Information Act by adding section 65.2. It states that a public body that uses personal information (PI) to make a decision based exclusively on automated processing of personal information must inform the person concerned. The organization must also, upon request, inform the person concerned of the personal information used and the main factors and parameters that led to the decision. The person concerned will also be able to present his or her observations to a member of the public body's staff who is able to review the decision. All this is clearly insufficient.

The LDL had criticized this procedure in its brief on Bill 64. We have been and still are demanding a right to object to automated decision-making. As the Privacy Commissioner of Canada points out:

The laws of several countries provide for the right not to be subject to automated decision-making, or a similar right to object to automated processing of personal data, as well as a right not to be subject to decisions based solely on automation.  
[3]

Moreover, the personal right granted to the citizen to know the "main factors and parameters that led to the decision" does not ensure true transparency of algorithms at the collective level.

The collective issues surrounding the processing of big data, particularly by the State, require the enactment of legal obligations of transparency and explanation of the operating methods of the systems.

## Transparency

Many cases prove that design flaws or the use of historically biased data can lead the algorithm to reproduce, or even worsen, discriminatory attitudes and behaviors. This demonstrates the importance of transparency in the use of algorithms. Their logical operation should be publicly and proactively disclosed. This is what the National Commission for Information Technology and Civil Liberties (France) includes in the principle of loyalty:

[I]n the Data Protection Act, information is a right that can possibly be mobilized by the individual with the person responsible for the algorithm, with the principle of loyalty, this information must be disseminated to the user community from the outset. It is not a question of users' rights, but of the obligation of algorithmic platforms. [4]

An independent audit system could ensure that the algorithms used comply with the law and are free of discriminatory bias.

## Explainability

It is essential to be able to trace, analyze, and validate the results of an artificial intelligence (AI) system. In addition, the compliance of the system (respect for human rights, privacy and other legal obligations) should be monitored.

One thesis is that the algorithms used in machine learning generate indecipherable decisions. This is not a tenable argument according to the LDL. Insofar as decisions affecting people are made on the basis of these algorithms, it is essential that the underlying reasoning is understandable, that responsibilities are clearly defined and that a right of appeal exists. In other words: "If companies claim that their algorithms are too complex to be revealed, the authorities should prohibit the use of the resulting information. [5] »

In a recent opinion on artificial intelligence and its impact on women, the Council on the Status of Women points out:

[I]t is prescribed that AIS explainability requirements be put in place in order to promote the understanding of their results (Guillaud, 2019). With this in mind, organizations should "justify" their use of an AIS and provide clear and accessible information about the data used (Zou and Schiebinger, 2018) and the objectives pursued (Conseil jeunesse de Montréal, 2021; UNESCO, 2020), the limitations of AIS (UNESCO and Mila, 2023), its risks of errors (London, 2019) and its potential consequences (UNESCO and Mila, 2023). Explainability would also play a key role in challenging unfair algorithmic decisions (Pégny and Ibnouhsein, 2018). [6]

The framework established by the Access to Information Act (ATIA) for the Automated Decision System (ADS) does not meet these requirements for transparency and explainability. In the absence of a robust framework for algorithms, there is a very real risk that biased, discriminatory or otherwise unfounded decisions will increase and whose results are inexplicable. This is incompatible with the rule of law.

### **3. Other Issues Raised**

With regard to question 3. E) of the consultation paper, What other issues are raised by the use of artificial intelligence in the public service?, the LDL wishes to briefly address the right to privacy, the storage of data outside Quebec and the lack of consultations.

#### **Right to privacy**

In June 2019, the Government of Québec published its 2019-2023 Government Digital Transformation Strategy. As the first step towards the "end-to-end" digitisation of public services, the strategy stated that it wanted to place citizens "at the centre of the evolution of services, programmes and policies". Since then, bills have piled up to make this strategy a reality, including a review of the privacy regimes in force in Quebec: Bill 14 (digital transformation of public administration);

Bill 95 (Information Resources of Public Bodies); Bill 64 (reform of public and private sector privacy laws, now Bill 25); Bill 3 (Health Information, now Bill 5).

One constant emerges: these laws liberalize the use and disclosure of PI without consent, which is "not likely to increase the citizen's control over his or her information"[7]. Rather, it is an infringement of individuals' right to control their personal information, an important aspect of privacy, as the Supreme Court recognizes:

"[T]he claimed right of individuals, groups or institutions to determine for themselves when, how and to what extent information about them is disclosed" (Tessling, at para. 23, quoting A. F. Westin, *Privacy and Freedom* (1970), at p. 7). In other words, this aspect of the right to privacy concerns "informational self-determination. [8]

Digital government is therefore being implemented at the cost of a serious invasion of the right to privacy.

Another concern concerns the use of biometrics, which seems to be spreading within the Quebec government. In 2020, the Sûreté du Québec signed a contract with Idemia for a "fingerprint and facial recognition solution in private cloud computing mode." In 2022, the Société de l'assurance automobile du Québec (SAAQ) also announced that it was adopting this technology, apparently to "clean up" its photo bank. The planned extension of this technology to the digital identifier being created by Quebec demonstrates the government's recklessness with regard to the risks that this technology poses to privacy and democracy.

As the Privacy Commissioners of Canada note:

If used inappropriately, facial recognition technology can therefore have lasting and serious effects on privacy and other fundamental rights. This includes harms to some individuals whose personal information may be collected, used, or disclosed,



but also harms to groups and communities and broader societal harms that stem from the greater ability of authorities to monitor the physical and digital spaces in which citizens interact. It can be difficult to limit this greater surveillance capacity once it is activated[9] .

## Data storage outside Québec or by foreign companies

The Quebec government's decision to call on the private sector to host public data is particularly concerning[10]. This privatization of data presents many dangers: increased risk of leaks; loss of control over data and hosting costs; loss of expertise and dependence of the state on the private sector. Adding to the concerns is the use of U.S. web giants, such as Google, Amazon and Microsoft, for data hosting, with the Clarifying Lawful Overseas Use of Data Act (Cloud Act) allowing U.S. authorities to access data hosted (in the cloud) by a U.S. provider, regardless of where it is stored. [11]

## Lack of consultation

The shift to digital government was not the subject of any consultation with the public. As if the question was self-explanatory, that the digital future was necessarily bright and that any objection was inadmissible. This is not acceptable.

As Fatima Gabriela Salazar Gomez points out:

The authorities have already made the decision to develop AI systems in many areas. The public is not consulted and has no power to oppose the implementation of AI systems in certain areas and to be heard. However, when we know that certain uses of AI will have concrete consequences on people's lives, for example in the field of justice, immigration or employment, we should be able to ask ourselves the question, "Do we really

want AI systems to support or automate decision-making in these areas? [12]

The Quebec Digital Identity Service (SQIN) project, which has been in the works for years by the Minister of Cybersecurity, is a good example of the opacity surrounding government projects.

On October 24, 2022, privacy commissioners across Canada released a resolution regarding digital identity systems. It sets out the requirements that governments should meet in this regard. In Quebec, the Commission d'accès à l'information, a signatory to the joint resolution, specified in a press release that "the government must be transparent at all stages of the implementation of the digital identity project by soliciting citizen participation through broad consultations, as some provinces have done"[13].

However, it must be noted that the SQIN project is currently being developed without public debate, and that in several respects, it does not comply with the requirements of the resolution due to the possible use of biometrics, a lack of public consultation and a lack of a precise legal framework.

As Karine Gentelet and Sandrine Lambert say:

It is indeed desirable to decide collectively on the areas of application of AI and the societal limits to be imposed so as not to infringe on a certain number of human rights. It is also necessary to reflect collectively on its implementation in order to move towards equity and social justice. We must counter this obligation to take the digital shift at all costs and at all speed, in order to avoid going off the road. If there is an emergency, it is that of slowing down and creating conditions

conducive to citizen participation. In this way, it will be possible to find inclusive answers to digital issues that remain above all social. [14]

The LDL would therefore like to emphasize that in light of the issues raised by the use of artificial intelligence technologies by the state in terms of respect for human rights, a public and informed discussion on the government's digital shift and the use of artificial intelligence is necessary.

[1] Québec Ombudsman, 2022-2023 Annual Report, p. 13. Online: <https://protecteurducitoyen.qc.ca/fr/enquetes/rapports-annuels/2022-2023>

[2] Institut national de santé publique du Québec, "Inequalities in access to and use of digital technologies: a determinant of concern for population health?", June 2021. p.4. Online: <https://www.inspq.qc.ca/sites/default/files/publications/3148-inegalites-acces-usage-technologies-numeriques.pdf>

[3] Office of the Privacy Commissioner of Canada, "Consultation on the OPC's Proposals to Ensure Adequate Regulation of Artificial Intelligence," March 13, 2020. Online: [https://www.priv.gc.ca/fr/a-propos-du-commissariat/ce-que-nous-faisons/consultations/consultations-terminees/consultation-ai/pos\\_ai\\_202001/](https://www.priv.gc.ca/fr/a-propos-du-commissariat/ce-que-nous-faisons/consultations/consultations-terminees/consultation-ai/pos_ai_202001/)

[4] Commission Nationale Informatique et Libertés (CNIL). HOW TO ALLOW HUMANS

TO KEEP CONTROL? The ethical issues of algorithms and artificial intelligence. December 2017. p.49  
[https://cnil.fr/sites/cnil/files/atoms/files/cnil\\_rapport\\_garder\\_la\\_main\\_web.pdf](https://cnil.fr/sites/cnil/files/atoms/files/cnil_rapport_garder_la_main_web.pdf)

[5] Frank Pasquale, "Putting an end to the trafficking of personal data", Le Monde diplomatique, May 2018, pp. 16-17. <https://www.monde-diplomatique.fr/2018/05/PASQUALE/58653>

[6] Council on the Status of Women, "Artificial Intelligence. Risks for equality between men and women", Opinion, 2023, p.20. Online: [https://csf.gouv.qc.ca/wp-content/uploads/Avis\\_intelligence\\_artificielle.pdf](https://csf.gouv.qc.ca/wp-content/uploads/Avis_intelligence_artificielle.pdf)

[7] Commission d'accès à l'information, "Bill 64, An Act to modernize legislative provisions as regards the protection of personal information," Brief, September 29, 2020, p. 40. Online: [https://www.cai.gouv.qc.ca/uploads/pdfs/CAI\\_ME\\_PL-64.pdf](https://www.cai.gouv.qc.ca/uploads/pdfs/CAI_ME_PL-64.pdf)

[8] R. v. Bykovets. 2024 SCC 6. [https://decisions.scc-csc.ca/scc-csc/scc-csc-fr/item/20302/index.do](https://decisions.scc-csc.ca/scc-csc/scc-csc/fr/item/20302/index.do)

[9] Office of the Privacy Commissioner of Canada, "Privacy Guidance for Police Services on the Use of Facial Recognition," at para. 14. Online: [https://www.priv.gc.ca/fr/sujets-lies-a-la-protection-de-la-vie-privee/surveillance/police-et-securite-publique/gd\\_rf\\_202205/](https://www.priv.gc.ca/fr/sujets-lies-a-la-protection-de-la-vie-privee/surveillance/police-et-securite-publique/gd_rf_202205/)

[10] Dominique Cambron-Goulet, "The contracts awarded by Quebec and Ottawa to Amazon have exploded," April 1, 2022. Online: <https://www.journaldemontreal.com/2022/04/01/les-contrats-damazon-ont-explose>

[11] Henri-Paul Rousseau, "Digital Sovereignty in Agri-Food in Canada and Quebec", CIRANO,

February 16, 2021. Online: <https://cirano.qc.ca/files/publications/2021PE-03.pdf>

[12] Interview with Fatima Gabriela Salazar Gomez by Lynda Khelil, head of mobilization at the League of Rights and Freedoms, "What place for the right to say no to artificial intelligence?", Rights and Freedoms magazine, Spring-Summer 2022. Online: <https://liguedesdroits.ca/quelle-place-pour-le-droit-de-dire-non-a-lintelligence-artificielle/>

[13] Commission d'accès à l'information. "Digital Identity in Canada: Regulators Call on Governments to Ensure Privacy Rights and Transparency in Their Projects and Systems." October 24, 2022. Online: <https://www.cai.gouv.qc.ca/actualites/identite-numerique-canada-organismes-surveillance-demandent-gouvernements-assurer-droit-vie-privee-et-transparence-dans-projets-et-systemes>

[14] The conversation. Social justice: the blind spot of the artificial intelligence revolution. June 14, 2021. <https://theconversation.com/la-justice-sociale-langle-mort-de-la-revolution-de-lintelligence-artificielle-160579>

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# Against all odds: links with an incarcerated loved one

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### **Against all odds: links with an incarcerated loved one**

Faced with major obstacles to maintaining ties with their incarcerated loved ones, families must fight to be recognized and assert their rights. Their experiences reveal the shortcomings and injustices of a prison system that is indifferent to their suffering.

August 28, 2024

Rights and Freedoms Review

### **Against all odds: links with an incarcerated loved one**

Sophie Maury, Executive Director of Relais Famille

Social reintegration is at the heart of Quebec's Correctional System Act.<sup>1</sup> It is both one of the mandates of correctional services (Article 3) and one of the general principles guiding its actions (Article 1). A variety of programs and services are used to fulfill this mandate, including visitation rights, appeal rights, and temporary absences, with the goal of maintaining the inmate's family and social ties. Thus, on paper, Quebec correctional services testify to the importance of the entourage in the social rehabilitation of the incarcerated person. In reality, however, it is quite different. Families travel a long and difficult road to maintain ties with their incarcerated loved one. But despite everything, in the face of an inflexible prison system, they stand up, move forward and remain hopeful.





To have a loved one incarcerated and to want to maintain ties with him or her is to engage in a real combatant's journey. It is to see one's life shattered and to have no reference points or control. It is feeling shame and guilt while being judged and labelled.

From one day to the next, you are confronted with a system that is unknown to you and that will not spare you. You are faced with a steamroller that does not have – does not take – the time to familiarize you with its codes and language. You have to learn everything, and fast. And even if you know the system, the rules can change without notice or explanation.

"Before, we were allowed two entries per year [for clothing], now it's one. I have no idea why. And that's in Bordeaux because in Rivière-des-Prairies (RDP) there are still two. – **Mother 1**

You will experience what is known as the "extended prison experience"<sup>2</sup>. This means that the sentence of the incarcerated person extends beyond the prison walls to affect the entire life of his or her family. Even if he has not committed any reprehensible act, the entourage is also, in a way, deprived of liberty. The price for families is high, both emotionally and physically or financially.

"[...] We continue to take care of our business, the house, our work... we also have to take care of their business... I want to but I lack breath... – **Spouse 1**

The voices of the families of incarcerated people are not really heard. It is, in any case, rarely listened to. Often, these families do not want to speak up to express the difficulties they are going through. Not only are they worried about the repercussions – real or not – that this could have on their incarcerated loved one (forbidden visits, time in isolation, etc.), but they also do not know where to turn to denounce violations of their rights and those of their loved one inside.

"I want to help them, the poor... to be their voice... I don't know how to go about it...  
[...] What can I do??? – **Spouse 1**

Also, many families do not disclose the incarceration of their loved one to those around them, most of the time for fear of judgment. They therefore do not want to testify with their faces uncovered. Finally, in the event that there is a victim, they do not wish to come forward and denounce their situation out of respect for the victim and his or her family. So, even if they are considered collateral victims, they remain silent, they isolate themselves and suffer day after day the denigration of the prison system and society.

When a person is incarcerated, there are many barriers to maintaining family ties that arise at all stages of detention. The first major obstacle to standing in the way of this winding path is obtaining visitation rights. First of all, your detained relative must register you on his or her visitor list before being authorised by the person in charge of the establishment. This step can take several days or even weeks and the wait is very difficult to live with.

"I have no information. When I call [the establishment] to find out [when I will receive the authorization], I am not told anything. – **Mother 2**

Once the authorization is received, the person must make an appointment to visit their loved one. Here again, the testimonies demonstrate the complexity of this step:

"I called 1,063 times in one day before I had someone on the other end of the line... 1,063 times... it doesn't make sense." – **Mother 1**

"We had confirmation on Friday that I was finally on his list like his wife... But ten days later still not managed to get an appointment with, despite the countless emails, calls, requests sent... – **Spouse 1**

Getting a visit is almost a miracle. A miracle which, unfortunately, was short-lived. In fact, since COVID-19, families report that it is more and more common for their visit to be cancelled, either a few hours after the confirmation of the visit, on the day of the visit itself or when they are already in front of the doors of the establishment. Understaffing is the primary explanation used by correctional services to justify such situations.

Even if he has not committed any reprehensible act, the entourage is also, in a way, deprived of liberty. The price for families is high, both emotionally and physically or financially.

This labour shortage is also invoked when the time comes for families to return personal belongings to their loved ones or when incarcerated people want to call their loved ones outside. For example, it can take more than three weeks for families to drop off clothes and other items, and they can be several days without news of their loved one being held in solitary confinement.

"The Quebec correctional service is using the excuse of Covid to take away certain rights. Before, some things were allowed, now it's not. Books are now forbidden in Bordeaux, for no reason at all; even softcover books. I used to be able to deposit ten CD-ROMs, now I am only allowed five. – **Mother 1**

Beyond these changes that do not make sense for the families, each detention center has its own rules. This increases the burden for those around them.

"In Bordeaux, we are no longer allowed to wear white and green [clothes]. In RDP, beige is forbidden and in Sorel, you don't need a black top. When your loved one is transferred, well you have to buy everything back. I'm sick of buying him linen. – **Mother 1**

Maintaining links with an incarcerated person therefore requires real sacrifices for the families. Whether it is in terms of the time needed to complete all the procedures, or financially, the price is heavy. This has direct consequences on their physical and mental health in addition to having a significant impact on their own social ties.

"My friends don't understand why I'm still buying linen for him. They tell me to stop. They don't understand. – **Mother 1**

Mutual aid between the families of incarcerated people is then life-saving and the sharing of experiences is a breath of fresh air. Relatives help each other understand how prisons work and give each other advice to get through this painful ordeal.

"When I visited, a little 80-year-old lady was bringing her son's personal belongings. The guard refused almost everything without explaining anything to him. The poor lady did not understand what to do. I went to see her to explain things to her. »

– **Mother 1**

"Feeling very alone, isolated from my friends and extended family, I really enjoyed the interaction with [the other families]." – **Mother 3**

Cornered on all sides, helpless in the face of the enormous machine that is the prison institution, the families simply ask for a little consideration and respect. They chose to stay there for their daughter or son, their spouse, their father or mother or other friend. Against all odds, they fight to hold their heads high, despite the affronts and injustices they have suffered. They embody hope: the hope of exit, the hope of resuming a family life, the hope of the social reintegration of their loved one.

This is one of the major inconsistencies of the prison institution: on the one hand, it places part of the responsibility for social reintegration on the families, and on the other hand, it makes their experiences invisible and infringes on their rights. It's time for that to change.

Online: <https://www.legisquebec.gouv.qc.ca/fr/document/lc/s-1>

C. Touraut, La famille à l'épreuve de la prison, Paris, Presses universitaires de France, 2012.

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# Canada must urgently halt arms exports to Israel

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### **Canada must urgently halt arms exports to Israel**

More than \$83 million worth of explosive mortar cartridges produced by a company operating in Quebec, General Dynamics Ordnance and Tactical Systems Inc., would be purchased by the United States and integrated into the American weapons program for Israel. The League for Rights and Freedoms and the International Federation for Human Rights call on the Government of Canada to block this transaction and to take all necessary measures to end the State of Israel's military interventions in the Gaza Strip.

August 27, 2024

Civil and political rights

Montreal and Paris, August 27, 2024

The Right Honourable Justin Trudeau, P.C., M.P.

Prime Minister of Canada

Office of the Premier

80 Wellington Street

Ottawa, Ontario K1A 0A2

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The Honourable Mélanie Joly, P.C., M.P.

Minister of Foreign Affairs

House of Commons

Ottawa, Ontario K1A 0A6

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RE: Canada must urgently halt arms exports to Israel

Mr. Prime Minister,

Madam Minister,

The League of Rights and Freedoms (LDL) is an independent, non-partisan, non-profit organization dedicated to the defense of human rights. Since its creation in 1963, the LDL has influenced several government policies and bills in Quebec and Canada, in addition to contributing to the creation of instruments dedicated to the defense and promotion of human rights, such as the Quebec Charter of Human Rights and Freedoms.

LDL is a member of the International Federation for Human Rights (FIDH), an international NGO of 188 national human rights organizations from 116 countries. Since 1922, FIDH has been committed to the defence of all human rights as defined in the Universal Declaration of Human Rights. Its members include several Palestinian and Israeli human rights organizations.

**Extreme violence against the Palestinian people in Gaza and the West Bank has continued since October 2023, and it is with dismay that we learned that more than \$83 million worth of explosive mortar cartridges produced by a company operating in Quebec, General Dynamics Ordnance and Tactical Systems Inc., would be purchased by the United States and integrated into the U.S. weapons program for Israel[1], [2].**

**The League for Rights and Freedoms and the International Federation for Human Rights hereby call on the Government of**

**Canada to block this transaction and to take all necessary measures to put an end to the State of Israel's military interventions in the Gaza Strip.**

In our joint letter dated February 23, 2024, we urged Canada to impose an immediate arms embargo on Israel, as genocidal acts are being perpetrated against the Palestinian people. It should also be remembered that the Canadian Parliament adopted a motion last March calling for an end to all arms transfers from Canada to Israel. It goes without saying that, in line with the spirit of this motion, it is also urgent to put an end to any indirect transfer that would transit through another country.

On 19 July, the International Court of Justice issued an advisory opinion<sup>[3]</sup> declaring that Israel's occupation of the Occupied Palestinian Territory, consisting of the West Bank, East Jerusalem and the Gaza Strip, is illegal. This notice sets out the obligations of other states, including Canada, with respect to Israel's policies and practices in the Occupied Palestinian Territory, unambiguously (emphasis added):

[...] not to maintain economic or commercial relations with Israel in respect of the Occupied Palestinian Territory or parts thereof that would be likely to strengthen the latter's illicit presence in that territory; [States] shall refrain, in establishing and maintaining diplomatic missions in Israel, from recognizing in any way its illicit presence in the Occupied Palestinian Territory; and take measures to prevent trade or investment that contributes to the continuation of the illegal situation created by Israel in the Occupied Palestinian Territory. [by 278]

[...] all States are under an obligation not to render aid or assistance in maintaining the situation created by such a presence. All States must ensure, in accordance with the Charter of the United Nations and international law, that any interference with the exercise of the right of the Palestinian people to self-determination resulting from Israel's unlawful presence in the Occupied Palestinian Territory is brought to an end. In addition, all States parties to the Fourth Geneva Convention have an obligation, in accordance with the Charter of the United Nations and

international law, to ensure that Israel respects international humanitarian law as enshrined in that convention. [by 279]

In addition, as we noted in our previous letter, the International Court of Justice ordered provisional measures in January 2024 to protect the Palestinian people from "a real and imminent risk of irreparable harm." As a state party to the Convention on the Prevention and Punishment of the Crime of Genocide, Canada has a legal obligation to prevent and punish genocide[4]. This is a legally binding responsibility under international law and Article 1 of the Convention, which requires Canada to take all necessary measures to stop and punish the genocidal acts perpetrated by the State of Israel against the Palestinian people.

Exports of arms, goods and military technology to Israel also violate Canadian law, specifically the Export and Import Permits Act (sections 7.3 and 7.4), as there is evidence that Israel has committed and continues to commit violations of international humanitarian law and international human rights law.

As human rights organizations whose mission is to ensure respect for international law and human rights principles, the League for Rights and Freedoms and the International Federation for Human Rights urge Canada to immediately block the transfer of Canadian-produced arms destined for the U.S. weapons program for Israel. In doing so, the Canadian government would be respecting its own legislation, as well as the spirit of the motion adopted by the Canadian Parliament on March 18, a motion in favour of which you voted.

Please act accordingly, and in accordance with Canada's human rights and international law obligations,

Alexandre Petitclerc

President

League of Rights and Freedoms (LDL)

Alice Mogwe

Chairwoman

International Federation for Human Rights (FIDH)

DC.

- The Honourable Pierre Poilievre, Leader of the Opposition and Member of Parliament for Carleton, Ontario
- Jagmeet Singh, Leader of the New Democratic Party and Member of Parliament for Burnaby South, British Columbia
- Yves-François Blanchet, Leader of the Bloc Québécois and Member of Parliament for Beloeil-Chambly, Quebec
- Ms. Salma Zahid, Chair of the Canada-Palestine Parliamentary Friendship Group and Member of Parliament for Scarborough Centre, Ontario
- His Excellency António Guterres, Secretary-General of the United Nations
- Ms. Francesca Albanese, Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Switzerland
- Ms. Nadja Pollaert, Executive Director of Doctors of the World Canada
- Ms. France-Isabelle Langlois, Executive Director of Amnesty International Canada Francophone

[1] La Presse, Munitions Made in Quebec in Israel? The Canadian Government Silent, August 21, 2024, online: <https://www.lapresse.ca/actualites/politique/2024-08-21/guerre-entre-israel-et-le-hamas/des-munitions-fabriquees-au-quebec-a-israel-le-gouvernement-canadien-muet.php>

[2] US Defence Security Cooperation Agency, press release of 13 August 2024, Israel – M933A1, 120mm High Explosive Mortar Cartridges, online: Israel – M933A1

120mm High Explosive Mortar Cartridges | Defense Security Cooperation Agency  
(dsca.mil)

[3] International Court of Justice, "Legal Consequences Arising from Israel's Policies and Practices in the Occupied Palestinian Territory, including East Jerusalem," Advisory Opinion issued July 19, 2024, online: <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-fr.pdf>

[4] Article 1 of the International Convention on the Prevention and Punishment of the Crime of Genocide of 1948, ratified by Canada in 1952.

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# Hatred and moral panic at the crossroads of transphobia and adult domination. – Forms of resistance 3/3

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### Hero:

**Hatred and moral panic at the crossroads of transphobia and adult domination.  
– Forms of resistance 3/3**

While there have been notable advances for the rights of trans and non-binary people in Quebec and Canada, significant setbacks are now being felt, as are demonstrations of hate. In this series of three blogs, we will address the issues surrounding the rights of trans and non-binary people.

July 25, 2024

Notebook

## Possible and current forms of resistance

**The third in a series of three, written by Maël Maréchal, a writer, teacher and community worker from Montreal**

This forum provides an opportunity to address current issues related to civil, political, economic, social and cultural rights in Quebec, Canada and elsewhere in the world. The notebooks are written by human rights activists and are the sole responsibility of their authors.

Trans and non-binary communities, and their allies, have long organized to defend their rights and existence, to support each other, and to resist attacks on their integrity. In Quebec, they have been supported since 1980 by Aide aux Trans du Québec (ATQ) and since 1998 by the Action Santé Travesti(e)s et Transsexuel (le) s du Québec (ASST(e) Q). GRIS Montreal and the LGBT+ Family Coalition are two other organizations that help fight prejudice against these communities and allow them to

start families with adequate support. Helem and Arc-en-ciel d'Afrique also give Arab-queer and racialized people the opportunity to meet, protect their rights and raise awareness of the issues that affect them.

Obviously emerging throughout the population, and being endowed with a great ability to network, the members of all these communities develop a diverse militancy. The actions carried out range from demonstrations and counter-demonstrations[1], to drag story hours, to legal transition clinics, to community support groups and dinners, to hunger strikes, to media interviews and the writing of manifestos, open letters, novels and poetry, podcasts, comedy shows, etc. or even direct action in order to display their discontent and anger and to have their rights respected.

They can also count on media outlets such as the young podcasts "Toustes" and "Seggs" in their struggles against reactionary groups, which demystify issues related to their communities by providing clear and scientific information in a humorous, artistic and empathetic way, and singers such as Tegan and Sara who have rewritten the new podcasts recently an open letter entitled Artists Against Anti-Trans Legislation signed by more than 600 Canadian artists.

The Canadian Civil Liberties Association (CCLA) is also an ally, taking legal action against the Government of Saskatchewan's Bill 137 and the Government of New Brunswick's Policy 713. Some school boards also challenged the latter's policy[2].

Supported, therefore, and endowed with admirable strength of character, trans and non-binary communities, despite facing an upsurge in hatred against them, are more present than ever and are constantly mobilizing with strength and intelligence to simultaneously counter the elements most dangerous to their existence and the disinformation that supports them, and, above all, to support and listen to the youngest so that they can benefit from better living conditions and so that they can choose those who will allow them to flourish.

Consult the other texts

Notebook 1 /3 – How to get out of it? [<https://liguedesdroits.ca/haine-et-panique-morale-au-croisement-de-la-transphobie-et-de-la-domination-adulte-comment-sen-sortir/> ]

Notebook 2 /3 – The causes of the surf [<https://liguedesdroits.ca/haine-et-panique-morale-au-croisement-de-la-transphobie-et-de-la-domination-adulte-les-causes-du-ressac/>]

[1] The One million March for Children was countered in each of the cities where its supporters came forward from people from the 2SLGBTQIA+ communities and their allies.

[2] See the text by Pascal Raiche-Nogue of 9 July 2023, "Policy 713: the conflict between the minister and an English-speaking district is escalating":  
<https://ici.radio-canada.ca/nouvelle/2086918/dsae-gouvernement-guerre-ouverte-nb>

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Hatred and moral panic at the crossroads of transphobia and adult domination. –  
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Canada must urgently halt arms exports to Israel

# Hatred and moral panic at the crossroads of transphobia and adult domination. – The causes of the backlash 2/3

<https://liguedesdroits.ca/haine-et-panique-morale-au-croisement-de-la-transphobie-et-de-la-domination-adulte-les-causes-du-ressac/>

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**Hatred and moral panic at the crossroads of transphobia and adult domination.  
– The causes of the backlash 2/3**

While there have been notable advances for the rights of trans and non-binary people in Quebec and Canada, significant setbacks are now being felt, as are demonstrations of hate. In this series of three blogs, we will address the issues surrounding the rights of trans and non-binary people.

July 25, 2024

Notebook

## **Causes of the surf**

The second in a series of three, written by Maël Maréchal, writer, teacher and community worker from Montreal

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the world. The notebooks are written by human rights activists and are the sole responsibility of their authors.

Since September 2023, there has been a moral and media panic about trans and non-binary people, a panic that is fueled by a rise in intolerance in the United States that has manifested itself in the passage of 435 anti-trans laws in 2023, but also by the misinformation spread by various radicalized reactionary movements since they opposed health measures and vaccines. In addition to religious conservatives, there are also conspiracy theorists among the opponents of drag story reading hours, sex and gender education in schools and the use of neopronouns.

The backlash is also fuelled by old concerns of the right that are being resurrected from the ashes. In the 1980s, there was concern about gays and lesbians and their possible influence on children. Today, we have only changed the scarecrow: it is trans people that we are worried about. It must also be said that this backlash is certainly also rooted in the tenacious fear of contagion associated with 2SLGBTQIA+ people since the arrival of AIDS. The backlash is also due to the growing popularity of Lisa Littman's unfounded and problematic concept of Rapid-Onset Gender Dysphoria (ROGD), which associates the rise of people identifying as trans with social contagion, which has been deconstructed by the lawyer and bioethicist Florence Asley[1]. The impact of TERFs (radical feminists discriminating against trans people), including the author of Harry Potter who has a very large audience, is not negligible either, particularly in England where the Cass report, a study on medical practices with young trans people, which has just been submitted on April 9, 2024 to the British government, discredits trans-affirmative research, advocates the rejection of bodily autonomy for trans people up to the age of 25 as well as neurodivergent people and recommends severe medical limitations to social transition.

This backlash is also unfortunately felt in the lack of journalistic rigour found in Quebec. The Enquête report entitled "Trans Express" is a striking example of this. This is clearly a tendentious production. Contrary to what is claimed, social standards and medical methods exist to advise trans people in their journey. They are issued by the World Professional Association for Transgender Health (WPATH) and are monitored by the GRS Montreal, where gender-affirming surgeries are



performed, the Canadian Professional Association for Transgender Health/Association professionnelle canadienne pour la santé transgenre (APCST/CPATH) and the European Professional Association for Transgender Health (EPATH). In this report, there was a lot of indignation at the speed with which a 14-year-old person, an actress hired by Radio-Canada, managed to obtain hormones. In my opinion, we should rather be happy about it, because it means that we have 1) valued the self-determination of this young person without looking at them in the condescending gaze of adult domination and 2) followed the scientific data of the trans-affirmative approach which shows that the more unwanted puberty sets in in a trans person, the more serious it causes mental disorders. Moreover, an open letter written by specialists in the trans-affirmative approach was published in the press in the wake of this report to set the record straight and avoid misinformation[2].

In addition to this report, a recent article by Radio-Canada accuses this same lack of journalistic rigour. He covers the demonstration against the committee of elders on Sunday, March 31, 2024, saying that the issue would be "unresolved and not unanimous". He cites as evidence the group "Together to Protect Our Children", a supporter of the Legault government's committee of elders. When you look at their website — which is under construction — you see that he is campaigning for the "best interests of the child" and is proposing a six-point petition, the fifth of which claims that they are neither fascists nor conspiracy theorists. However, a quick five-minute tour of their gallery shows otherwise. It relays photographs of demonstrators from different countries holding signs reading "Stop corrupting the mind of children", "My child, my choice", "Math, not masturbation" and "Let kids be kids" and in particular an image signed "Fascist Solutions" on which the suicide rate statistics among 2SLGBTQIA+ people seem to be praised.

The issue, which is one of human rights and children's rights[3], is not delicate at all. Giving credence to the discrimination maintained by a group by passing it off as opinions is a dangerous mistake that has harmful and very real influences (insults, discrimination in employment, housing, health care, loss of family and friends) on the people concerned who deserve to live without hearing daily that their existence must be debated in the public space or monitored and taken care of by so-called "wise men" who have no expertise on their experiences (we also wonder what makes them wise and why we suddenly need wise men in Quebec).

It's as if we were trying to make trans and non-binary people minors, that we were trying to take care of them for their own good... Here. All this moral panic, fueled in particular by opportunistic politicians to advance their conservative agenda and unscrupulous columnists, unfortunately reinforces the unfounded beliefs of many people in the population. This leads to a mistaken belief that teachers prescribe puberty blockers and hormones to their children or that access to them is easy when it is usually necessary to wait months to see a doctor qualified to prescribe them.

It also has a detrimental effect on the mental health of trans and non-binary people, especially young people, which is already precarious according to several studies and specialists[4]. Is it necessary to remember that this precariousness does not come from the fact that they are trans and non-binary, but because they are constantly marginalized and despised socially?

Consult the other texts

Notebook 1 /3 – How to get out of it? [<https://liguedesdroits.ca/haine-et-panique-morale-au-croisement-de-la-transphobie-et-de-la-domination-adulte-comment-sen-sortir/>]

Notebook 3/3 – Possible and current forms of resistance  
[<https://liguedesdroits.ca/haine-et-panique-morale-au-croisement-de-la-transphobie-et-de-la-domination-adulte-les-formes-de-resistance-3-3/> ]

[1] See Florence Ashley, May 14, 2019, "The trans-affirmative approach is better for everyone: taking stock of Radio-Canada's report on detransition":  
<https://medium.com/@florence.ashley/lapproche-trans-affirmative-est-meilleure-pour-tout-le-monde-faire-le-point-sur-le-reportage-de-84bd2d2c85ad>

[2] See Dr. Antoine Cloutier-Blais et al., March 1, 2024, "A Call for Calm":  
<https://www.lapresse.ca/dialogue/opinions/2024-03-01/medecine-transaffirmative/un-appel-au-calme.php>

[3] Anthropologist, author and columnist Émilie Nicholas recalls the great absence of all this in an opinion piece in Le Devoir published on March 31, 2024, "And the rights of children?" See:  
<https://www.ledevoir.com/opinion/chroniques/797160/chronique-et-le-droit-des-enfants?>

[4] See, for example, Annie Pullen Sansfaçon and Denise Medico, 2021, Trans and Non-Binary Youth. De l'accompagnement à l'affirmation, Montréal, Remue-ménage.

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# Hatred and moral panic at the crossroads of transphobia and adult domination. – How to get out of it?

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**Hatred and moral panic at the crossroads of transphobia and adult domination.**

**– How to get out of it? 1/3**

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July 25, 2024

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***The first in a series of three, written by Maël Maréchal, writer, teacher and community worker from Montreal***

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In Canada, there is an improvement in the rights of trans and non-binary people, people who contribute to society in many ways. This progress is noted in particular by the possibility in many provinces to use the X marker on their official papers, by the addition in 2017 of gender identity and expression as prohibited grounds of discrimination in the Canadian Human Rights Act, by the removal in 2019 of gender identity disorder from the official diagnostic manual of the World Health Organization (WHO), by the Moore decision of 2021, which invalidated several articles of the Civil Code deemed discriminatory against trans and non-binary people. The opening of the medical community to the transaffirmative approach, i.e. a non-pathologizing vision of trans and non-binary people recognizing their ability to self-determine and to be the experts on their lives, is also a remarkable progress.

At the same time as these advances, we are unfortunately seeing an upsurge in hatred towards these people fuelled by the idea that they corrupt and sexualise children. But in fact, the opposite is happening: trans and non-binary people are increasingly sexualized (gender identity and orientation are associated only with sexuality) and attacked because they promote the liberation of children: the right to choose one's first name and pronoun, the right to one's own body, This includes taking puberty blockers or hormones and not having non-essential surgery for intersex children[1], and the right to use the washroom that best fits their gender, all in safe environments.

We can see that this is perceived as an affront to adult domination — which Yves Bonnardel calls adultocracy[2], a social system of domination of adults over children — because groups opposing the liberalization of knowledge about gender and sexual orientation take names such as "Hands off our Kids", and convey messages such as "Parents know best" "My child, my choice". They denote a certain moral panic at the idea of losing the privilege of dominating one's child and considering him or her as an autonomous being.

## **The current situation**

Hate against trans and non-binary people takes many faces, and even though it emerges from the United States, it is by no means stopped at the Canadian border.

In its most obvious form, it involves the murder, the vast majority of racialized people and sex workers who find themselves at the intersection of sexism, misogynoir (i.e. the specific hatred of black women), racism and transphobia. It was also at the root of European colonialism: indeed, it is now known that missionaries first preyed on the two-spirit people of the continent's Indigenous peoples, because they departed from the binary norms of gender[3]. It is also this hatred that is now behind the rallies against drag story hours, activities where drag queens simply come to read to children in libraries, bookstores or cafes. People who oppose these readings (more than 140 times in 2022 in the United States according to the Gay & Lesbian Alliance Against Defamation) disrupt them by demonstrating with shouts and signs, because they believe that the place of drag queens would only be in adult cabarets. There was also a law in Tennessee that criminalizes events with drag queens when children are present.

It is this same hatred that is found in the legal requirement (in some states in the United States) to use the toilet of the gender to which one was assigned at birth, which forces trans and non-binary people to use the toilet at the expense of their comfort and safety, or not to use it at all, Even if it means relieving themselves only once they get home, if they have a roof over their heads. It is also this that manifests itself in the discrimination of trans women in women's sports[4] or in the positions of the so-called feminist group Pour les droits des Femmes du Québec (PDF Québec) and in the rejection of neopronouns such as "iel" and the title "Mx", a subject that should not be debated as journalist Toula Drimonis reminds us[5].

More recently, this hatred was shown in the One Million March for Children protest movement that took place across cities across Canada on September 20, 2023 and October 21, 2023. It was organized by two organizations, "Hands off Our Kids" and "Family Freedom". The groups that are part of this movement, whose members come from conservative religious, far-right and conspiracy tendencies, are said to be trying to protect children, including from indoctrination in the ideology of gender and sexual orientation that would be practiced in schools, and to assert certain parental rights. New Brunswick and Saskatchewan have also implemented laws that require parental consent for teachers to use the preferred first and second name of their students under the age of 16 (in July 2023 through amendments to policy 713 for the first province, and by a Parents' Bill of Rights in October 2023



through Bill 137[6] for the second province, who used the notwithstanding clause to pass it).

Anti-trans measures announced by Danielle Smith, denounced by Amnesty International Canada, could also soon pass in Alberta. The people in the two groups mentioned above are people who put forward hypothetical parental rights that do not in fact exist in Canadian law. Children, according to Professor Rebecca Bromwich, are protected by child protection laws and the federal Divorce Act[7]. The Convention on the Rights of the Child (CRC), which has been ratified by many countries, also sets out frameworks for treating children as persons, but its implementation remains highly uneven, including in Canada[8].

It was in the wake of this protest movement, as well as in the public revelation of the hiring in a Montérégie school of a teacher who wanted to be called Ml. Martine, and in the installation of mixed washrooms in a school in Rouyn-Noranda that the CAQ government created a committee of "wise men" on gender identity chaired by Diane Lavall and consisting of Dr. Jean-Bernard Trudeau and constitutional law professor Patrick Taillon. This committee[9], made up of three cisgender people — journalists, including trans and non-binary rights groups and human rights organizations have highlighted the issue of the absence of people from the communities on the committee as it looks at issues that affect them — will be responsible for: "Painting a portrait of the Quebec reality. Identify Quebec public policies, practices and directives in several sectors (education, sports and recreation, family, health and social services, public safety, etc.). Analyze their potential effects on Quebec society as a whole. Identify, compare and analyze the policies, directives and practices implemented in comparable jurisdictions in Quebec. Identify the main issues to be explored in greater depth for the future. Work closely with the Quebec LGBT Council. [10] »

The Quebec government, I am not the first person to point out,[11] already funds organizations to advise it on gender identity issues, notably through the Bureau de lutte contre l'homophobie et la transphobie; it would also have been interested in consulting the researchers of the Research Chair on Sexual Diversity and Gender Plurality at UQAM (whose objectives already meet those of the famous committee of wise men). One is therefore entitled to wonder who serves this

committee — whose wisdom seems to flow from this notion of adult domination — and why it was decided that it was appropriate through it to discuss the dignity of certain people. The \$800,000 announced in its implementation should have been used instead to fund existing community organizations serving the trans and non-binary population and in dire need of funding.

Let's remember that Interligne had to fight with a press campaign and fundraisers to keep its night line open before finally receiving funding from the Quebec government on June 14, 2023 that will allow it to survive for three years. It should be noted that the Quebec government had also initially delayed the incorporation of the X mention on the Quebec driver's licence and health insurance card, an action that was in the spirit of the Moore decision of January 2021, by entrusting this aspect to the committee of wise men and therefore had postponed this adjustment until at least 2025. In a reversal of the situation, the Quebec government decided on March 4, 2024 to authorize it. We are still waiting for the changes from the Régie de l'assurance maladie du Québec, which, unlike the SAAQ, is slow to implement this change, which has consequences on access to care and medical treatment for trans and non-binary people.

## **Consult the other texts**

Notebook 2 /3 – The causes of the surf [<https://liguedesdroits.ca/haine-et-panique-morale-au-croisement-de-la-transphobie-et-de-la-domination-adulte-les-causes-du-ressac/> ]

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[1] More than a thousand intersex children in Quebec underwent surgery between January 1, 2015 and January 31, 2020. See Édith Paré-Roy, October 26, 2021,

"Investigation. Intersex children under the knife",

[https://les3sex.com/fr/news/2014/enquete-les-enfants-intersexes-sous-le-bistouri?fbclid=IwAR2NVcGu2bZ82177FEC8UdaqSbUN6ZD9xdjw-4aL3\\_q4EVzcL4BoUVVTAOW](https://les3sex.com/fr/news/2014/enquete-les-enfants-intersexes-sous-le-bistouri?fbclid=IwAR2NVcGu2bZ82177FEC8UdaqSbUN6ZD9xdjw-4aL3_q4EVzcL4BoUVVTAOW)

[2] Yves Bonnardel, 2015, Adult Domination. The oppression of minors. Méréville, Myriadis.

[3] Leanne Betasamosake Simpson, 2021, As We Have Always Done, Chicago, The University of Minnesota Press.

[4] American NCAA women's basketball coach Dawn Staley has gone against the current transphobic trend and recently told the press that trans women should be able to participate in women's sports.

[5] See Toula Drimonis, 6 September 2023, "People's preferred pronouns don't require a debate": <https://cultmtl.com/2023/09/peoples-preferred-pronouns-dont-require-a-debate-quebec-mx/>

[6] Online: <https://docs.legassembly.sk.ca/legdocs/Bills/29L3S/Bill29-137.pdf>

[7] See Hina Alam, December 28, 2023, "New Brunswick Premier Won't Back Down": <https://www.lapresse.ca/actualites/politique/2023-12-28/politique-sur-l-identite-de-genre/le-premier-ministre-du-nouveau-brunswick-ne-reculera-pas.php>

[8] See Mona Paré, 10 February 2022, "The Convention on the Rights of the Child – 30 years of implementation, but where is the equality?": <https://liguedesdroits.ca/la-convention-relative-aux-droits-de-lenfant-30-ans-de-mise-en-oeuvre-mais-ou-est-legalite/> and the statement of 21 September 2023 by the League of Rights and Freedoms, "The League of Rights and Freedoms

concerned by the rise of transphobia": <https://liguedesdroits.ca/la-ligue-des-droits-et-libertes-preoccupee-par-la-montee-de-la-transphobie/>

[9] See the statement of February 20, 2024 by the League of Rights and Freedoms "Committee of Wise Men on Gender Identity: What Legitimacy ? : <https://liguedesdroits.ca/comite-des-sages-sur-lidentite-de-genre-quelle-legitimite/>

[10] Government of Quebec: <https://www.quebec.ca/nouvelles/actualites/details/mise-sur-pied-du-comite-de-sages-sur-lidentite-de-genre-52578>

[11] See, for example, the text by Isabelle Kirouac Massicotte entitled "Gender identity: this is not a debate" published on October 15, 2023: [https://cjf.qc.ca/revue-relations/de-lidentite-de-genre-cest-nest-pas-un-debat/?fbclid=IwZXh0bgNhZW0CMTEAAR3pODYvF9V2143fLmyaFEjUF5n9ZzdkVzUf3WmO3glCUUX\\_AklnWSAKfIM\\_aem\\_AdYM2EPm10Zy7ZvKN\\_FhUAL8oxiTIGV155KuDil2ejxa-2TaVUku9qGobnkGFeoYknsxbQMID3eCGvcl9cAUDFAp](https://cjf.qc.ca/revue-relations/de-lidentite-de-genre-cest-nest-pas-un-debat/?fbclid=IwZXh0bgNhZW0CMTEAAR3pODYvF9V2143fLmyaFEjUF5n9ZzdkVzUf3WmO3glCUUX_AklnWSAKfIM_aem_AdYM2EPm10Zy7ZvKN_FhUAL8oxiTIGV155KuDil2ejxa-2TaVUku9qGobnkGFeoYknsxbQMID3eCGvcl9cAUDFAp)

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# Revolving doors: an endless spiral

<https://liguedesdroits.ca/portes-tournantes-une-spirale-sans-fin/>

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#### **Revolving doors: an endless spiral**

The criminal over-judicialization of people who suffer from mental health disorders — the revolving door phenomenon or syndrome — is a systemic problem that persists and whose main cause is the lack of accessible care for people in difficulty.

July 17, 2024

Right to health

#### **Revolving doors: an endless spiral**

Philippe Miquel, documentary filmmaker

When I was a criminal lawyer a few years ago, I realized that people living with a mental health disorder, an intellectual disability or even an autism spectrum disorder are overrepresented in the criminal courts. Some are even convicted and incarcerated repeatedly. This phenomenon has even been given a name: revolving door syndrome.

A few years ago, when I became a documentary filmmaker, I followed the trajectory of Éric (not his real name), a man in his forties who has been living this phenomenon or syndrome for more than 25 years, for four years. From the beginning of my research, I tracked down more than 300 charges against him, including 116 breaches of probation, 50 break and enters, 47 thefts and possession of stolen property, 36 mischief, 35 breaches of recognizance and 4 obstructions of a police officer. And I'm not even talking about fines.

According to his mother, Suzanne (not his real name), since 1995, Eric has not spent more than six consecutive months at large. The diagnoses issued over the years fluctuate: asocial, hyperactive, depressed, schizoid personality... In addition, he was addicted to cocaine and crack cocaine. A difficult child, his mother was never able to get the help she needed to meet their needs. Around the age of 10, after a short and difficult schooling, he was placed in a reception centre. From the beginning of adulthood, his life was divided between the street and prison. His trajectory is not an isolated case.

## **The beginning of the spiral**

To try to understand this phenomenon, I also met with police officers, psychiatrists, lawyers, judges, correctional officers, community workers and researchers, among others. Everyone confirms it: there is too little care available for people who are experiencing difficulties like Éric. And the worse a person is, the more frequent contact with the police is likely to be, the more likely it is that they will be charged in court and then sent to prison, and the less well cared for and stable they will be. And this feedback loop will get worse.

In 2018, Justice Canada tabled a report in which justice system actors stated that approximately 70% of persons charged in criminal courts suffer from mental health or substance abuse disorders and problems such as homelessness, poverty or previous trauma, and that this is one of the most significant issues facing the system.

I started following Eric while he was detained. Wouldn't detention be a good time to offer him psychological, medical and social support? Aim for his recovery through services that would continue when he returns to the community? So that he doesn't come back to prison? It seems not. This type of support and services is almost non-existent in our provincial jails.

And when the time comes to be released from prison, what happens? In Eric's case, there was no exit plan in place by the correctional system. He would leave with a penny in his pocket, no source of income, no real supervision, medication for three



days and nowhere to sleep. Her psychiatrist, with whom I was in contact, was trying to prepare the ground, but had little more than temporary hospitalization to offer her, which required a wait before the psychiatric emergency. Eric didn't have that patience and we lost track of him. The police found him 24 hours later. He had committed a robbery and was back in the clutches of the system.

## Interventions

I then wondered if the solution would not be found on the police side. Could the police do anything other than arrest people like Eric? After all, the police have discretionary power to make arrests. I became interested in the growing number of police squads specializing in mental health. I met with the Sherbrooke Police Service's Multidisciplinary Psycho-Social Intervention Team, EMIP. It is a police squad made up of a police officer and a social worker who try to find services for the people in crisis with whom they intervene.

**[...] The worse a person is, the more frequent contact with the police is likely to be, the more likely they are to be charged in court and then sent to prison, and the less well cared for and stable they will be. And this feedback loop will get worse.**

I finish my recording with the EMIP with my head full of questions. For example, when a person in crisis requires care, why is it a police officer at the wheel of a police vehicle, rather than a social worker at the wheel of a CLSC vehicle who travels? Wouldn't it be better to allocate these resources elsewhere? To better finance our aid organizations, our social system and our health system, for example? Because, despite all its good will, the team is also facing the unavailability of aid resources. Those who commit criminal offences are therefore arrested and charged. It's a police squad after all. Nothing to help Eric in this.

## In court

So I decided to follow Eric to court, detained for the umpteenth time. The courts have a long history of dealing with people whose judges are affected by a mental health disorder. Ironically, it is interesting to note that, philosophically, the cornerstone of criminal responsibility rests on the premise that each person has a free will that gives him or her the ability to distinguish right from wrong. The corollary is that if a person chooses to commit an offence, he or she accepts the consequences: to be charged and convicted. This should have a deterrent effect. However, as research has repeatedly confirmed, the mere fear of going back to prison is not enough to prevent recidivism. Especially for someone whose judgment is affected by a mental health disorder. Even more so if she is also living with a drug addiction.

Along the way, I also focused on another growing reality in Quebec: the Justice and Mental Health Support Program (PAJ-SM), a specialized court of the Court of Quebec. The hearings are conducted by Crown prosecutors and presided over by judges assigned specifically to the program. A liaison officer, attached to the health system, meets with each potential candidate and assesses their needs. An action plan is developed with the child and he is directed, if possible, to services that are supposed to help him avoid reoffending. The court follows the candidate's progress through the liaison officer, who is present at each hearing.

The sound documentary series *Revolving Doors* is available online: <https://linktr.ee/portestournantes>

The results may be encouraging for a few people. But the resources made available to the PAJ-SM are so modest in relation to the needs that it is in fact a drop in the ocean. Nor do these initiatives call into question the criminalization or incarceration. Above all, they do not solve the problem of the inaccessibility of care, which often becomes the limit of the court's ability to intervene itself. In the end, if a candidate achieves the objectives set, the charges are withdrawn, if not, he or she is sent back to the regular court to proceed with the case. This program is not accessible to those who, like Eric, are detained during the proceedings. People like him stay in the regular court to be sentenced. And the cycle begins again.

## Deep roots

My quest has not led me to find any real solutions to revolving doors. Yes, there are some initiatives, full of good intentions, but the results are not up to the problem. Not at all. The revolving door phenomenon is a systemic problem rooted in the social exclusion of the most vulnerable in our society. To remedy this, strong political will would be needed that would lead to profound changes. And to the construction of a fairer world. For everyone. Unfortunately, this is not yet the case. Law and order, the fantasy of a tougher justice system on criminals, the myth of restorative prison, and the thirst for better-funded police forces continue to garner more votes.

Meanwhile, wasted lives, such as that of Eric, stuck in the revolving doors, offer us the distressing spectacle of a patent injustice.

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# Being in prison in a prison

<https://liguedesdroits.ca/etre-en-prison-dans-une-prison/>

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#### **Being in prison in a prison**

In all its forms, solitary confinement is a practice that violates the rights of incarcerated people, despite attempts to regulate it by correctional services in Quebec and Canada. This article explains what solitary confinement is and why it is necessary to end it.

July 17, 2024

Detention rights

## **Being in prison in a prison**

Lynda Khelil, Mobilization Manager, League of Rights and Freedoms

Nadia Golmier, prison lawyer and member of the Prison Issues and Rights of Persons in Detention Committee of the League of Rights and Freedoms

Solitary confinement is a dehumanizing and degrading practice that involves depriving an incarcerated person of social contact for a significant period of time. It is well known that this radical practice has harmful consequences for people's health. Despite being repeatedly denounced and in 2019, courts ruled that the practice violates the rights of incarcerated people, segregation continues to be widely used in Quebec's provincial jails.



The effects of isolation have been demonstrated by many experts. The deprivation of human contact, social ties and activities inflicted on incarcerated people subjected to segregation affects their social skills and causes a spectrum of consequences on their mental and physical health: accentuation of already present psychological disorders, loss of control over temporal, spatial and social realities, anxiety, paranoia, depression, psychoses, panic attacks, etc. Violent outbursts, self-harm, suicide attempts, cognitive impairment, obsessive-compulsive disorder and post-traumatic stress disorder.



The isolation of incarcerated persons is prohibited by the norms of international law set out in the United Nations Standard Minimum Rules for the Treatment of Prisoners (also known as the Nelson Mandela Rules). The practice is defined as isolating a person who is incarcerated for 22 hours or more a day, without real and meaningful human contact. Isolation is said to be prolonged when it lasts more than 15 consecutive days; This is torture.

While it is undeniable that international standards have greatly contributed to public awareness of the consequences of isolation, it also appears that the threshold established from 10 p.m. to 24 hours a day limits our understanding of this problem. Indeed, what about situations where inmates are confined for 9:45 p.m., 9:30 p.m., 8 p.m., 6 p.m. for days and days? Moreover, adherence to this threshold undermines our collective ability to break down the paradigm of isolation imposed by prison authorities. We will come back to this.

# Infringement of rights and freedoms

In 2019 and 2020, after a lengthy legal battle with Correctional Service Canada (CSC), the British Columbia and Ontario Courts of Appeal ruled that solitary confinement for 22 hours or more per day without meaningful human contact is a practice that violates the rights of incarcerated persons protected by the Canadian Charter of Rights and Freedoms.<sup>1</sup> Specifically, the courts have ruled that this practice violates the right to life, liberty and security of the person (s. 7) and constitutes cruel and unusual treatment (s. 12). It should be remembered that a sentence of incarceration entails a deprivation of freedom of movement in society, but that incarcerated persons remain the holders of all their rights for the duration of their detention. This includes the right to residual liberty, a legal concept meaning that incarcerated persons have the right to move around the detention facility and not be placed in solitary confinement, a practice that is equivalent to being placed in prison in a prison.

## **Structured intervention units at the federal level**

In response to court decisions, Correctional Service Canada (CSC) announced in 2019 the implementation of a new model to replace solitary confinement: Structured Intervention Units (SIUs). They consist of guaranteeing people who are isolated there two hours of so-called meaningful human contact. Since its implementation, many voices have claimed that the isolation continues, but under a different name, and that several rules that govern SIUs are not followed. In its 2021-2022 annual report, the Advisory Committee on the Implementation of Structured Intervention Units also noted that Indigenous people and people with mental health issues are overrepresented in SIUs – just as they were previously in solitary confinement.<sup>2</sup>

## **Forms of isolation in Quebec**

Despite Canadian court decisions, the Nelson Mandela Rules and the proven consequences on the mental and physical health of inmates, solitary confinement remains a common practice in provincial prisons in Quebec. This practice has different names depending on the reasons (disciplinary, preventive and administrative) invoked by the prison authorities. An overview of the different forms of isolation shows the extent of this practice and its arbitrary nature.

## Disciplinary segregation

The first type, disciplinary segregation, is governed by the Instruction on Discipline and Responsibility of the Incarcerated Person. This type of segregation may be the result of a temporary measure, imposed in response to what is considered a disciplinary breach (maximum 24 hours, in theory), or it may be a disciplinary sanction imposed by the prison disciplinary committee (maximum 5 or 7 days).

Correctional services use two terms to refer to this form of segregation: confinement (when the segregation takes place in an area different from the person's usual living area) and confinement (when it takes place in one's own cell). It should be noted that in federal penitentiaries, segregation can no longer be imposed as a disciplinary sanction since 2019.

It should be remembered that a sentence of incarceration entails a deprivation of freedom of movement in society, but that incarcerated persons remain the holders of all their rights for the duration of their detention.

The disciplinary regime in Quebec prisons does not comply with the Canadian Charter, which states in section 7 that any deprivation of liberty (including deprivation of the residual liberty of incarcerated persons) may be imposed only in accordance with the principles of fundamental justice. However, the disciplinary regime in Quebec does not provide for procedures to ensure the impartiality of decision-makers, does not guarantee the right to counsel, proceeds by reversal of the burden of proof, i.e., the detained person is asked to explain himself/herself, and proceeds on the standard of preponderance of evidence instead of the standard of beyond a reasonable doubt that should apply when a decision-maker makes a decision that may infringe the right to residual freedom. A class action against disciplinary segregation for 22 hours or more per day has been launched in Quebec against correctional services.

## Administrative segregation

Administrative segregation, on the other hand, is applied in two types of situations: for concealment of prohibited objects and for suicide prevention. In the first case, the incarcerated person is placed in an administrative segregation cell (dry cell) when the institution considers that "there are reasonable grounds to believe that he or she is concealing prohibited objects in his or her body cavities."<sup>3</sup> According to the instruction governing this practice, which also involves dehumanizing strip searches, the segregation can last a maximum of 72 hours and can be extended once for a maximum period of 24 hours (in theory).

In the second case, the Provincial Suicide Prevention Directive provides for the possibility of segregating a suicidal incarcerated person. It must be a "measure of last resort, to be used only in the event of an intense crisis or imminent risk of suicide, limited to the duration of the episode, and with the aim of [...] protect [the person] from himself". In practice, the Instruction is not respected, as suicidal inmates are isolated for a long time. And more fundamentally, it is worth asking: how is it that prison authorities respond to a situation of suicidal risk with a measure that causes damage to mental health?

## Administrative isolation

Finally, the third form, administrative isolation, is an expression that refers to confinement in cells due to a lack of staff or for security reasons. Prison authorities also use the term reduced regime. This can happen without notice, for an indefinite period, 22 hours or more a day, sometimes for several weeks. The duration of confinement in the cell can also be 18, 20 or 21 hours and 30 minutes, which is just as problematic. Based on recommendations from Public Health, the practice was widely used during the COVID-19 pandemic, when inmates were kept in their cells for weeks, without a change of clothes, without showers, without contact with the outdoors and without activity.

In its 2022-2023 annual report, the Québec Ombudsman deplores the fact that the use of solitary confinement for 22 hours or more per day continues in Québec prisons, in violation of the Nelson Mandela Rules. In it, the Ombudsman refers to

the case of a man confined to a cell 22 hours a day for two months because of a non-compliant classification that had been attributed to him.

Administrative segregation has become nothing more or less than a management method in Quebec's prisons. To address the shortage of correctional officers, many institutions have contingency plans that include drastic reductions in out-of-cell time. In a 2021 Superior Court decision, during the pandemic, Justice Daniel Royer stated that "this way of managing the shortage by establishing the residual deprivation of liberty of inmates as a system is illegal [and] unreasonable." He adds that "a society governed by the rule of law cannot tolerate that the management of the lack of staff in a detention facility is carried out on the back of the residual freedom of prisoners"<sup>4</sup>. A second class action has been filed in Quebec regarding administrative isolation for 22 hours or more per day.

Administrative isolation creates a break with the regular regime of life in a prison. Outside of the period when cell doors are locked for the night (e.g., 10:30 p.m. to 8 a.m.),<sup>5</sup> inmates must be able to move around the prison, have access to programs, indoor activities, the outdoor courtyard, visits, and phone calls from their relatives and lawyers.

## Refusing the paradigm of isolation

Since 2016, the Québec Ombudsman has asked the MSP to regulate the use of administrative isolation. In his 2022-2023 annual report, the Ombudsman indicates that the MSP is continuing its work on an instruction related to classification, several sections of which will focus on solitary confinement and time out of cells. As the work began in 2017, we can only note the laxity of the authorities with regard to systemic violations of the rights of incarcerated people. The Ombudsman also asks the MSP to regulate administrative isolation, to which the MSP has not formally committed.

While it is true that the adoption of strict rules to regulate and minimize the use of segregation is preferable to no rules, the fact remains that this approach is defeatist. It is still part of the paradigm of isolation imposed by the prison authorities, as if it

were unthinkable that practices that fully respect the rights of incarcerated people could be envisaged and applied. However, we need to move the social debate outside of this paradigm. This is why the League of Rights and Freedoms calls for people to refuse isolation and to remain critical of approaches that advocate the regulation of this practice.

Whatever the form of solitary confinement or the reasons given for its use, it is clear that this draconian measure has serious consequences for the mental and physical health of incarcerated persons and should therefore be prohibited. Another approach, which fully respects the rights of incarcerated persons, is required.

- 1) Reddock Canada (Attorney General), 2019 ONSC 5053; Brazeau v. Canada (Attorney General), 2020 ONCA 184.
- 2) Online: <https://www.securitepublique.gc.ca/cnt/rsrcs/pblctns/2022-siu-iap-nnlrpt/index.aspx#s10>
- 3) MSP, Direction – Administrative Segregation of Persons Incarcerated for Concealment of Prohibited Material.
- 4) Lanthier v. AGQ (Ministère de la Sécurité publique), QCCS, file no. 500-36-009944-219, July 16, 2021.
- 5) This is the case, for example, with the "Weekday Living Plan A" provided for in the Rivière-des-Prairies Institution's Living Regime.

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Delays in family reunification in Quebec: Why are they detrimental to human rights?

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# Delays in family reunification in Quebec: Why are they detrimental to human rights?

<https://liguedesdroits.ca/les-delaies-du-regroupement-familial-au-quebec-pourquoi-sont-ils-prejudiciables-aux-droits-humains/>

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#### **Delays in family reunification in Quebec: Why are they detrimental to human rights?**

From June 2024 to June 2026, the Ministère de l'Immigration, de la Francisation et de l'Intégration will only process a maximum of 13,000 new applications for family reunification, while a significant backlog has been accumulating since 2022. It is necessary to reconsider this decision because the impacts are multiple for a large number of children and their parents

July 10, 2024

Notebooks

## Delays in family reunification in Quebec: Why are they detrimental to human rights?

A notebook written by Marie-G. Pilon, college professor and Christine Hallé, accounting technician. The authors both have bachelor's degrees in law and are graduates of the Université de Montréal. They are both in the process of sponsoring their spouses. In addition, they are involved with the NPO Québec Réunifié, where Marie-G. Pilon sits on the executive committee and Christine Hallé is recognized as an honorary member.

This forum provides an opportunity to address current issues related to civil, political, economic, social and cultural rights in Quebec, Canada and elsewhere in the world. The notebooks are written by human rights activists and are the sole responsibility of their authors.

Family reunification allows bi-national couples to regularize the status of one of the spouses and their children in the country where they choose to settle to start a family. However, on June 26, the Ministère de l'Immigration, de la Francisation et de l'Intégration (MIFI) announced a significant reduction in the number of applications it will receive. From June 2024 to June 2026, the MIFI will only process a maximum of 13,000 new applications, while a significant backlog has been accumulating since 2022. Yet, family is often the heart of a person's emotional, social and economic support network.

## The Canada-Quebec Accord and Immigration Quotas

The Canada-Quebec Accord[1] governs immigration jurisdiction between the federal and provincial governments. Its main objective is to preserve Quebec's demographic weight within Canada and to ensure respectful integration of the distinct character of Quebec society. The Quebec government issues quotas for each category of immigrants, including family reunification, although this Agreement stipulates that Canada is responsible for admitting immigrants from the family classes.

## The backlog of files and extended delays

Since 2018, Quebec has set thresholds at approximately 10,400 per year[3], resulting in a backlog of surplus files and delaying the issuance of permanent residency to two, three or even four years. Currently, more than 43,400 family reunification files[4] are pending. This delay undermines the right of families to reunite and has serious consequences for their lives. However, the Convention on the Rights of the Child recognises the essential and urgent nature of family reunification[5].

## Human rights

Unfortunately, this arbitrary threshold and the administrative process for obtaining the visa leads to denials of human rights and should be corrected. The thresholds established only in the province of Quebec result in wait times for families of up to 34 months, while the standard of treatment in Canada as a whole is 10 to 12 months.

## Mistaken justifications for immigration thresholds

Unfortunately, discrimination is sometimes encouraged in public discourse[6] by mentioning that immigrants are the source of social or economic problems. The government justifies the thresholds by a concept of limited reception capacity to guarantee access to housing, public services, and to avoid the decline of the French language.

However, in the context of family reunification, the sponsored person is housed in the sponsor's home and integrated into a Quebec family. The sponsor undertakes to support himself for at least three years. The thresholds cannot therefore be justified by limited reception capacity[7], as this type of immigration has virtually no impact, except to add, in most cases, a new worker contributing to the country's economy.

## Consequences for human rights and security

This situation places Quebec in contravention of Article 3 of the Universal Declaration of Human Rights (UDHR), creating a context of increased insecurity for families, particularly sponsored persons. For those living in situations of domestic violence, the prolonged wait for permanent resident status can exacerbate the dependence on their abuser[8]. LGBTQ+ individuals and those living in countries with high levels of violence face increased risks of violence and abuse[9]. Forced separation or prolonged waiting can have devastating consequences on the mental health of those affected, increasing rates of depression and mental health problems in general[10]. In addition, prolonged family separation could have a deleterious impact on the child's development, effects that the Convention on the Rights of the Child aims to avoid by promoting a diligent approach to family reunification[11].

## Invasion of privacy and family planning

Prolonged separation from loved ones is contrary to the spirit of Article 12 of the UDHR, which protects against arbitrary interference with private and family life. Delay in family reunification directly interferes with individuals' ability to live with their families and affects couples' family planning. Hindering family reunification can also be seen as a violation of Article 16 (1), impacting the ability of couples to live together and found a family. In addition, restrictions on family reunification limit freedom of movement, including the right to leave one's own country and return, and the ability to choose where to live.

## Economic impact on sponsors

Expenditure<sup>[12]</sup> to manage delays in the family reunification process undermines the right to an adequate standard of living. Couples often have to shoulder the financial burden of two residences as well as the costs of several trips in order to be able to be temporarily reunited. These expenses affect the ability of couples, and generally more so, the ability of sponsors to provide for their own well-being and that of their families, increasing their vulnerability.

## Conclusion

The Ministère de l'Immigration, de la Francisation et de l'Intégration (MIFI) must reconsider its decisions to respect the rights to security, family, freedom of movement, and economic rights of sponsors in Quebec. It is also imperative to protect and codify the right to a family in the Quebec Charter of Human Rights and Freedoms to prevent unjust separations. Governments, advocacy organizations, immigrant communities and legal professionals must work together to ensure that the principles of dignity and fairness are respected.

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# Nothing changes for women in prison

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#### **Nothing changes for women in prison**

In Canada and Quebec, prison policies and practices with regard to women are dependent on the progress made and are part of a dominant and locked trajectory that must be questioned, transformed and even abolished.

09 July 2024

Human Rights and Detention

## Nothing changes for women in prison

Joane Martel, Retired Full Professor, School of Social Work and Criminology,  
Université Laval

Since the mid-nineteenth century, scientific literature and government inquiries of all kinds dealing with the imprisonment of women have documented the dire situation and specific needs of women imprisoned in Canada. However, despite repeated calls for emancipatory reform, the imprisonment of women remains stable and tenacious. This durability is part of the emergence and perpetuation of a dependency.

## Federal prison persecution

# FEMMES INCARCÉRÉES

JOANE MARTEL

Inertie institutionnelle  
dans l'emprisonnement  
au Canada et au Québec



Before the end of the eighteenth century, prisons housed vagrants, debtors and other unfortunate people awaiting their official punishment: corporal punishment or execution. Later, their vocation becomes, in itself, punitive. As part of this transformation, several versions of the modern prison emerge, but most sink under riots, escapes, fires, and disorder. In the first half of the nineteenth century, the new model of the prison in the city of Auburn in New York State would establish a whole new school of thought on imprisonment. Auburn's new prison concept was based on collective work (of the industrial type) during the day, isolation at night, and religious instruction. Spreading rapidly between 1822 and 1860, the Auburnian prison model became the new archetype in the United States (Rubin, 2019). It marks a watershed moment in the history of penal reforms, and its rise will shape correctional innovations for decades to come. Most of the prisons built thereafter were mostly variations of the same model. The gradual entrenchment of the Auburnian system limited the ability of correctional decision-makers to think outside the box.

Women there endure dehumanizing conditions such as the absence of shower curtains, vermin and lack of access to hygiene products and personal belongings [conditions] condemned by academics, advocacy groups and the media as human rights violations.

The Prison for Women (1934) in Kingston, Ontario, was the only federal penitentiary for women until 1995. It was erected on the basis of the knowledge of the Auburnian model acquired by the management of the Kingston penitentiary for men (opened in 1835) as well as on the basis of the workers' expertise developed by the prisoners who themselves had participated partially in its construction. There is a ripple effect here, where correctional authorities are doing something because other correctional authorities elsewhere are doing it as well.

Since the advent of the modern prison in the nineteenth century, many public and government inquiries have emphasized, in Canada and elsewhere, minor offences,

the lack of dangerousness and the low recidivism of a large majority of incarcerated women. They also denounce the unsanitary living conditions of the spaces where they are held. Nevertheless, it was not until 1990 that a second period of institutional turmoil occurred, turmoil similar to that which gave rise to the Auburnian-type prison in the first half of the nineteenth century. In 1990, this new turning point invited correctional services to imagine the imprisonment of women outside the furrow already traced by the Auburnian model. The federal report, *Creating Choices*, proposed the construction of decentralized, minimum-security, cottage-style facilities for women. Their management had to be based on feminist, holistic and discordant principles of the Auburnian model. The creation of choices ushers in a whole new correctional trajectory, a departure from the beaten path. Yet, inconsistencies appear between the vision proposed in *Creating Choices* and its implementation. These inconsistencies include the construction of maximum-security units in institutions originally intended to be minimum-security, and the neglect of community-based strategies, which is one of the five principles that underpins the *Creating Choices* vision.

Thus, although *The Creation of Choice* constituted a departure from the path that had dominated since the nineteenth century, its atrophied implementation maintained the imprisonment of women in the gravitational pull of the then hegemonic Auburnian path.

## Quebec's Prison Brutality

Quebec correctional authorities have developed an addiction to the Auburnian trail similar to that of the federal authorities.

In 2015, in a unilateral and unexpected decision, the Quebec Ministry of Public Security announced the closure of Tanguay Institution, its largest provincial prison for women, because of its decrepitude. In 2016, the prisoners were moved to Leclerc Institution, a former penitentiary for medium-security men, which federal correctional authorities had closed due to its dilapidation. Women there endure dehumanizing conditions such as the absence of shower curtains, vermin and lack of access to hygiene products and personal belongings. These conditions of

incarceration will be condemned by academics, advocacy groups and the media as human rights violations.

Since 2016, there have been many reports and reports on the poor conditions suffered by prisoners at Leclerc prison. Twenty years were enough for the treatment reserved for women at the Leclerc prison to be outside the gravitational pull of federal innovation that was The Creation of Choices (1990). The Quebec correctional authorities were not animated by his paradigm or by the intellectual and political enthusiasm that resulted from it.

However, the transfer to the Leclerc prison was a temporary arrangement from which a more permanent project was to be born. It therefore had the potential to disrupt the hegemonic model of imprisonment in which corrections were locked and to branch off into an imaginary world that was out of the box. The Ministry of Public Security could have 1) borrowed from the past and built a prison inspired by the Auburnian type or the principles of Creating Choices; 2) duplicate the present by reproducing, in a future facility, the current prison conditions at the Leclerc prison; 3) imagine a reformist avenue projecting satellite apartments or professional services well equipped in terms of community surveillance; or 4) consider your own disengagement in favour of community organizations that offer, prior to incarceration, services in a helping relationship such as treatment centres or multidisciplinary day centres.

**The correctional authorities therefore maintained their dependence on the prison, whether it was Auburnian or cottage style.**

In Quebec, in 2020-2021, just over 50% of women received, cumulatively, a sentence of less than one month in prison, and nearly 80% a sentence of less than six months for offences such as failure to comply with a probation order, failure to comply with an undertaking and possession of narcotics for the purpose of trafficking. Such a state of affairs could have led to a questioning of the very incarceration of these women. However, Quebec correctional authorities are



instead encouraging the construction of a new prison infrastructure, although inspired by the cottage style, without a security perimeter and centered on women, as promoted in *Creating Choices*. Estimated at \$400 million, the new prison is not scheduled to open until 2030, leaving the women without mitigation measures in the meantime at Leclerc Institution. The new provincial jail would focus on accountability and social inclusion, as already suggested in *Creating Choices* in 1990. However, it would include a security perimeter and digital technologies that help maintain family ties, but at the same time facilitate surveillance. The correctional authorities therefore maintained their dependence on the prison, whether it was Auburnian or cottage style.

Imprisonment remains a comfortable and widely shared value. The entrenched belief in the ability of prison to produce results, despite recent and past disappointments, seems to be firmly entrenched in the legitimization of this enduring myth and hinders the promotion of decarceration policies or even the abolition of women's imprisonment.

## Reference

Ashley T. Rubin, *The birth of the penal organization: Why prisons were born to fail*, in Rosann Greenspan, Hadar Aviram and Jonathan Simon (eds.), *The Legal Process and the Promise of Justice: Studies Inspired by the Work of Malcolm Feeley*. Cambridge, Cambridge University Press, 2019.

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Another Self

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Delays in family reunification in Quebec: Why are they detrimental to human rights?

# Another Self

<https://liguedesdroits.ca/un-autre-soi-meme/>

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#### Another Self

Toula Drimonis, the author of the book, "Nous, les autres," presents her point of view as a second-generation immigrant on the current issues of welcoming and integrating immigrants in Quebec.

03 July 2024

News

### Another Self

Catherine Guindon, teacher, Cégep de Saint-Laurent

The essay *Nous, les autres*<sup>1</sup> by Quebec journalist and columnist Toula Drimonis, published in its original English version<sup>2</sup> in 2022 and recently translated into French, is part of a rise in anti-immigration rhetoric circulating in Quebec and Canada, as well as around the world. The author was born to parents of Greek origin who, in the 1960s, settled in Montreal. They worked hard – the father was in the restaurant business, the mother in a clothing factory – to ensure a more comfortable future for their children. It is by starting from her own experience as a second-generation immigrant that Toula Drimonis broadens her point of view to the reception and integration of newcomers in Quebec and Canada.

The general thesis of the book could be formulated as follows: anti-immigrant discourse marginalizes minority groups, which harms their sense of belonging to society and social cohesion in general. It is important to recognize that there is no single way to identify as a Quebecer or Canadian.

The identity of immigrants is complex, evolving, and multifaceted. Also, they cannot be asked to "abdicate a part of who they are in order to be accepted by the whole"<sup>3</sup>.

The book *Nous, les autres* adopts an assumed multiculturalist perspective: it is legitimate for allophones, like Anglophones in Quebec, to maintain their "plural identity markers while being an integral part of the whole."<sup>4</sup> It is important to allow immigrants to maintain their language and culture. They must not be seen as people who "dilute the Francophone identity"<sup>5</sup> and who threaten the French language and Quebec culture.

In her book, the journalist casts a wide net. It addresses the issue of welcoming and integrating immigrants in Canada since the 18th century, the importance of trying to pronounce their names correctly, their right to criticize the policies of their host society, the pressure that is put on the backs of the newcomer to become the model immigrant, etc. It would be perilous to attempt to summarize exhaustively the many subjects addressed in the course of his essay. But the criticism expressed on certain measures implemented by the Coalition avenir Québec (CAQ) particularly caught our attention.

Indeed, the author vigorously denounces the CAQ's policies that are part of the current of identity nationalism, that is, based on "ethnic" origins. This ethnonationalism is, in the eyes of the journalist, "tribal, inward-looking and self-centered"<sup>6</sup>. The Act respecting the laicity of the State (Bill 21), which prohibits the wearing of religious symbols by public servants in positions of authority, is an example. It is judged by the author to be too restrictive and intolerant, participating in the process of othering. Indeed, by requiring the application of the notwithstanding clause of the Canadian Charter of Rights and Freedoms,<sup>7</sup> Bill 21 only marginalizes and precariously the Other. Toulia Drimonis says she defends freedom of choice for people, and even more so for women, who are particularly affected by this law.

A second example of the CAQ's measure discussed is the recent Act respecting French, the official and common language of Quebec (Bill 14), which was deemed too restrictive,<sup>8</sup> unfairly placing language rights above human rights. The essayist hopes that we will ensure the fair integration of immigrants, while respecting the – sometimes long – time that this process can take. Newcomers are not a threat to Quebec. Indeed, more and more of these people know how to communicate in

French, and they make it possible to maintain Quebec's demographic weight by compensating for the fall in birth rates and the increase in mortality among seniors. In this way, they contribute to economic prosperity and cultural and linguistic vitality in Quebec. The multilingualism that is particularly evident in Montreal does not jeopardize the survival of French, says the author.

It is undeniable that this is a nuanced book and the more personal angle adopted by the author allows the reader to put himself or herself in the shoes of the Other. It is therefore a more than relevant essay at a time when the discourse of stigmatization of immigrants is on the rise all over the world.

1. Translation by Méliissa Verreault, Montreal, Éditions Somme toute, 2024.
2. Original book: *We, the Others: Allophones, Immigrants and Belonging in Canada*, Montreal, Linda Leith Publishing, 2022.
3. Drimonis, T. *Us, the Others*, p. 231.
4. *Ibid.*, p. 11.
5. *Ibid.*, p. 233.
6. *Ibid.*, p. 176.
7. It could also be added to the author's comments that Bill 21 also requires the suspension of sections 1 to 38 of the Quebec Charter of Human Rights and Freedoms.
8. This Act, passed in 2022 and formerly known as Bill 96, states, among other things, that access to public services in a language other than French is limited to the first six months following the newcomer's settlement in Québec.

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Horne Foundry: An Allegory of Opacity

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Nothing changes for women in prison

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### **Here is a list of all our ongoing struggles:**

COVID-19

Right to health

Right of association

Rights of persons in detention and prison issues

Economic, social and cultural rights

Indigenous peoples' rights

Environment and human rights

Freedom of expression, the right to protest and political profiling

Migrants' rights

Police and Oversight of Police Practices

Racism, social exclusion and the secularism of the state

Population surveillance, artificial intelligence and human rights

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Right to health

In addition to timely access to health care, the right to health involves the adoption of government policies that address the social determinants of health that impact health and the participation of the population in decision-making.

### **List of struggles:**

Pinel: Complex cases cry out for help!

September 12, 2024

Rights and Freedoms Review

At the Pinel Institute, and in other psychiatric institutions in Quebec, authoritarian and dehumanizing practices are still used in too many cases. These methods, which are reminiscent of the old asylums, reveal the need for a reform, for a humane approach that respects the rights of individuals.

Revolving doors: an endless spiral

July 17, 2024

Rights and Freedoms Review

The criminal over-judicialization of people who suffer from mental health disorders — the revolving door phenomenon or syndrome — is a systemic problem that persists and whose main cause is the lack of accessible care for people in difficulty.

Physician Remuneration and the Right to Health: A Few Leads

June 28, 2024



## Open Letters

Since doctors are not employees of the state, the state has very little power of direction over them. In recent weeks, the Minister of Health and Social Services has entered into a tug-of-war with the federations representing medical specialists and general practitioners. He reached an agreement in principle with the general practitioners on June 13. The minister sought to impose specific medical activities on specialists, as well as the care of orphan patients on general practitioners.

The Minister remains responsible for respecting the right to health

March 18, 2024

## Open Letters

In the context of the new Santé Québec agency, Quebec needs a mechanism to evaluate the implementation of the right to health in all its dimensions.

Global public health reimagined with the revision of the WHO's International Health Regulations

January 19, 2024

## Notebooks

We believe that the proposed amendments to the WHO's International Health Regulations have great potential to reorient global health towards an approach of human rights, equity and justice.

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## Body:

### Executive Council:

The Executive Council is responsible to the Board of Directors and the General Assembly for the day-to-day administration of the LDL, its functioning, its permanence, its campaigns, its influence and relations with the regional sections.

#### Executive Council 2024-2025

- President: Alexandre Petitclerc
- 1st Vice-President: Sam Boskey
- 2nd Vice-President: Maryève Boyer
- Treasurer: Louise Pelletier
- Secretariat: Pierre-Louis Fortin-Legris

### Board of Directors:

In addition to the five (5) members of the Executive Council directly elected by the Annual General Meeting who are automatically part of the Board of Directors, the Board of Directors also includes at least six (6) and not more than ten (10) other members as decided by the General Assembly. The composition of Council members must be diverse enough to adequately represent different backgrounds, ages, occupations and groups. The reputation and social commitment of the people who make it up must guarantee the promotion of the aims of the League of Rights and Freedoms.

The Board of Directors is responsible to the assembly of members for the orientations, policies and priorities of the League of Rights and Freedoms. Accordingly, it carries out the mandate entrusted to it by the Annual General

Meeting taking into account the resources available and the requirements of current events.

#### Directors 2024-2025

- Safa Chebbi
- Catherine Descôteaux
- Delphine Gauthier-Boiteau
- Mouloud Idir
- Diane Lamoureux
- Josiane Maheu
- Stéphanie Mayer
- Elsa Mondésir Villefort
- Hyacinth Fish
- Paul-Etienne Rainville

#### Permanence team:

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Laurence Guénette

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514-849-7717, ext. 3223

##### Head of Administration and Finance

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514 715-7727 (cell media)

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Lynda Khelil

[mobilisation@liguedesdroits.ca](mailto:mobilisation@liguedesdroits.ca)

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## Body:

### Mission

Founded in 1963, the League of Rights and Freedoms (LDL) is an organization that aims to make known, defend and promote the universality, indivisibility and interdependence of the rights recognized in the International Bill of Human Rights. The LDL is affiliated with the International Federation for Human Rights (FIDH).

Since its founding, its actions have targeted the entire population as well as certain groups in vulnerable situations in different contexts: refugees and immigrants, Indigenous people, women, people with functional limitations, people on social assistance, etc.

Important dates for timeline:

1963: Founding of the LDL

1968: Defense of the right to abortion

1973: Drafting of the Quebec Charter of Human Rights and Freedoms

1976: Abolition of the death penalty

1981: Campaign against the creation of the Civilian Security Intelligence Service (CSIS)

1990: Organization of an independent observer mission during the Oka crisis

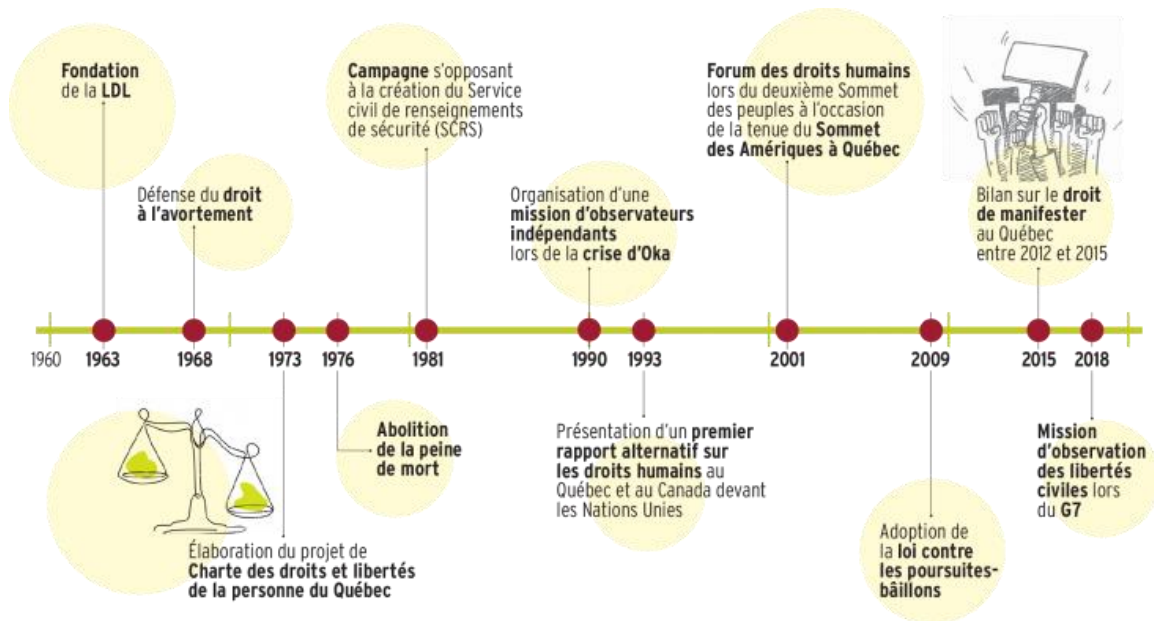
1993 Presentation of a first alternative report on human rights in Quebec and Canada to the United Nations.

2001: Human Rights Forum at the Second People's Summit on the occasion of the Summit of the Americas in Quebec City

2009: Adoption of the law against SLAPPs

2015: Review of the right to protest in Quebec between 2012 and 2015

2018: Civil Liberties Monitoring Mission to the G7



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## How does monthly giving work?

Monthly donations are an interesting way to regularly contribute to the defense of rights and freedoms without overloading your budget. The donation amount is charged to your credit card or deducted from your bank account on the 1st or 15th day of the month.

If you would like to change the monthly donation amount or update your credit card information, please contact us by email at [info@liguedesdroits.ca](mailto:info@liguedesdroits.ca) so that we can make the necessary changes.

## What are the transaction fees?

For each donation made by credit card, the League of Rights and Freedoms must assume transaction fees that vary depending on the amount.

If you would like to consider these costs in your donation, here are examples of donations with the amount of fees and the total (fees and donation).

Donation without fees (\$)

CA\$ 25.00

CA\$ 50.00

CA\$ 100.00

Transaction fees (\$)

3% + \$0.25

3% + \$0.25

3% + \$0.25



Donation with fees (\$)

CA\$ 26.00

CA\$ 51.75

CA\$ 103.25

## **What is a gift in memoriam?**

A gift in memoriam is a gift made in memory of a loved one in order to pay him or her a final tribute. The donation in memoriam to the League of Rights and Freedoms is ideal for people who have fought for the respect of human rights, whether at the League of Rights and Freedoms or in other contexts.

It is possible to make an in memoriam donation online.

If you wish, you can contact us to discuss the modalities for notifying the family and friends of this donation, such as an official letter or if you wish to make this donation public through the communications of the League of Rights and Freedoms relating to financing.

## **How does planned giving work?**

The League of Rights and Freedoms accepts planned donations in different forms. It can be an annual gift over a specific period of time or via a bequest in your will.

We are available to discuss the best way, in your situation, to make a planned donation to the League of Rights and Freedoms.

Please contact Karina Toupin at 514-849-7717, ext. 3221 or [info@liguedesdroits.ca](mailto:info@liguedesdroits.ca)

## **Can LDL issue a tax receipt?**

The League of Rights and Freedoms does not have a charitable organization number. Please note that no tax receipts can be issued.

## **Can I make a one-time donation?**

The League of Rights and Freedoms accepts donations of any amount. Every donation counts in defense of rights and freedoms!

## **Are donations anonymous?**

Yes! All information relating to people who donate to the League of Rights and Freedoms remains confidential and is not disclosed.

## **What is your privacy policy?**

The Policy was adopted by the Board of Directors of the League of Rights and Freedoms on September 16, 2023.

This Privacy Policy deals with the collection, use, protection and retention of personal information held by the Ligue des droits et libertés (LDL). The provisions set out in this policy are consistent with the Act respecting the protection of personal information in the private sector as amended in 2022 and 2023 by the Act to modernize legislative provisions as regards the protection of personal information in the private sector (Bill 25), and to which not-for-profit corporations in Quebec are subject.

The Privacy Policy does not apply to third-party websites that can be accessed by clicking on links on LDL's website or in its newsletter. If you follow a link to a third party's website, they will have their own privacy policies that you should review before submitting your information.

The person responsible for the protection of personal information and the application of this policy is Laurence Guénette, LDL Coordinator. It acts as a respondent, ensures that staff are properly trained in this regard and handles complaints in the event of a confidentiality incident.

If you have any questions, comments about this Privacy Policy, exercise your rights or make a complaint, please contact the Privacy Officer at [info@liguedesdroits.ca](mailto:info@liguedesdroits.ca), by telephone at (514) 849-7717, or by mail at 105-469 Jean-Talon West, Montreal, Quebec H3N 1R4.

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## 1. Collection of Personal Information

LDL may collect and process different types of personal information in the course of its activities, including:

- Personal contact information such as: first name, last name, address(es), email address(es), telephone number(s), credit card number(s);
- Information related to communication preferences, interests in certain LDL files, projects and events, related information such as dietary restrictions, comments and survey responses;
- Contribution history, billing and financial information, such as a billing address, bank account information or payment information;
- Information on work and volunteer experience in resumes and employee Social Insurance Number (SIN).

NB. Corporate information and business contact information of individuals do not constitute personal information within the meaning of the Act.

LDL collects personal information directly from and through direct interactions with individuals in the following circumstances:

- When registering for events, training and its newsletter;
- When joining the LDL;
- When a donation is made to LDL, regardless of the form of the donation;
- When subscribing to the magazine *Droits et libertés*;
- When applications are received to fill a position
- When hiring an LDL employee;
- When a person is elected as a director of the LDL;
- When a person enters into a contractual relationship with the LDL as a supplier of goods or service provider.

## 2. Obtaining consent

LDL collects certain personal information for the proper management of its relationships and services with each data subject and limits the collection of information to what is necessary for this purpose. The consent of the individual concerned is required in order to lawfully use the personal information that he or she transmits to the organization.

By providing personal information through our website, by email, in person or by telephone, an individual consents to LDL's collection, use or disclosure of the information for the purposes identified at the time of collection and as set out in this Policy.

This consent is obtained at the time of transmission of personal information, by means of a clear explanation mentioning it and offering access to this Policy. The explanation is provided in writing during an electronic transaction or exchange, and verbally during a telephone transaction.

Once obtained, consent will be deemed valid as long as the LDL membership, donor contribution, Rights and Freedoms subscription, or contractual relationship requires the use of the information in question. Consent will be renewed when necessary. This consent may be withdrawn at any time by the person concerned.

## 3. Use and Sharing of Personal Information

LDL is committed to using and sharing personal information under its control only for the purposes for which the information is collected and in accordance with this Policy, unless required or otherwise permitted by law to use or disclose it.

LDL uses personal information for any of the following purposes:

- Renewal of members' memberships;
- Renewal of the subscription to the magazine Rights and Freedoms;
- Information for members and supporters about the LDL's annual fundraising campaign and its activities;
- Maintenance of essential administrative information, including on members of the Executive Board;
- Hiring, remuneration or termination of contract of employees;
- In the context of relations with suppliers of goods or service providers (payment of invoices, etc.);
- To meet legal obligations.

LDL may share certain personal information with certain third parties, including in the following circumstances:

- Third-party service providers and/or partners may be required to access and process certain personal information, particularly during mailing services as part of annual membership and fundraising campaigns. The information accessed by these service providers is limited to that necessary to enable them to carry out their duties. In addition, the contracts entered into between LDL and these service providers require them to maintain the confidentiality of this information and to apply the privacy provisions in accordance with the law.
- Government authorities and law enforcement agencies when required. For example, personal information held by the LDL may be shared if the organization is required to do so under tax and administrative laws, or if it is possible to believe in good faith that such disclosure is necessary to comply with applicable laws, for example, to update the information required by the Registraire des entreprises du Québec. LDL may also be required to share certain personal information in response to a court order, subpoena or search warrant from the government, or otherwise to cooperate with such government authorities and law enforcement agencies.

## 4. Protection of personal information

Throughout the period of its storage and during its use, the personal information collected by LDL is treated in a manner that ensures its protection. LDL employs

appropriate physical, technical and administrative safeguards to protect personal information against accidental destruction or destruction not in accordance with law, accidental loss, alteration, unauthorized disclosure or access, misuse or any other unlawful form of processing of personal information in our possession.

Measures are also in place to ensure that LDL employees or directors can only access personal information on the condition that the information is necessary for the performance of their duties. In addition, both employees and third-party suppliers of goods or service providers with access to certain personal information sign a confidentiality agreement with LDL, committing to use the data in compliance with the law and appropriate safeguards.

Physical and technical measures are taken to ensure the security of all personal information held by LDL. LDL's computer server is located in Quebec and LDL does not store or communicate any personal information outside Quebec.

## 5. Retention and Destruction of Personal Information

LDL retains the personal information collected only for as long as necessary for the purposes set out in this Policy and in accordance with its legal and regulatory obligations. It only retains the information necessary for the intended purpose and destroys it as soon as its purpose has been fulfilled, or at the end of the legal retention period.

Personal information will be destroyed immediately upon request by the individual to the LDL, unless the Act requires that the information be retained for a specific period of time.

The LDL destroys personal information by ensuring that all electronic versions are completely disposed of and paper copies shredded.

## 6. Incidents, Recourse and Complaint Handling

In the event of a confidentiality incident (unauthorized access, use or disclosure of personal information, loss of personal information, or any other breach of personal information) that poses a risk of serious harm, the LDL would notify affected individuals as soon as possible.

The LDL would inform them of the personal information involved, the circumstances of the incident, the date or period of time during which it occurred, and the steps it intends to take in the aftermath of the incident to prevent or mitigate potential harm to the individuals involved and to prevent a similar incident from occurring in the future.

An individual providing personal information has the right to expect that the LDL will comply with the provisions of the Act and this Policy. In certain circumstances and in accordance with applicable data protection laws, an individual also has the following rights:

- **Access** : the right to inquire whether the LDL is processing information and, if so, to request access to personal information about the LDL;
- **Accuracy** : LDL is required to take reasonable steps to ensure that the personal information in its possession is accurate, complete, non-misleading and up-to-date;
- **Rectification** : the right to request rectification of any personal information that is inaccurate, incomplete or ambiguous, or that is not authorized by law to be collected, disclosed or retained;
- **De-indexing**: the right to request to stop sharing one's personal information.

For the purposes of the policy, a complaint is an expression of at least one of the following three elements:

- Dissatisfaction expressed by an individual who feels aggrieved in the treatment of his or her personal information by LDL;



- Prejudice suffered as a result of an event, situation, act or omission with respect to the provision of the service provided by the LDL in connection with the personal information it holds;
- Claiming a measure

A complaint does not constitute an informal attempt to have a particular problem corrected, as long as the problem is dealt with as part of the regular activities of the LDL and without a written complaint having been made by an individual.

Through this Policy, LDL undertakes to ensure that complaints made about it by any person who is dissatisfied with the handling of his or her personal information are dealt with appropriately, consistently and diligently. It provides for a fair and transparent procedure for dealing with complaints received, and also aims to support the quality of services and provide an opportunity for anyone to express their dissatisfaction.

## Formulation and handling of a complaint

The person who wishes to make a complaint must do so in writing to the following address:

Laurence Guénette

Privacy Officer

League of Rights and Freedoms

105-469 Jean-Talon West

Montreal, Quebec, H3N 1R4

The communication must indicate the following:

- name of complainant;
- their address;
- their telephone number;
- their email address or fax number, if applicable;
- the reasons for the complaint submitted.

All complaints are treated confidentially. An anonymous complaint is considered not received.

The person responsible for the application of this policy is Laurence Guénette, who is responsible for the coordination of the LDL. Its functions are to:

- Receive the complaint;
- Ensure that an acknowledgement of receipt is sent to the complainant;
- To process the complaint and investigate the claims made by the complainant;
- Respond to the complainant.

The acknowledgement of receipt must contain the following information:

- a description of the complaint received, including the allegation of the LDL, the harm or the corrective action sought;
- the name and contact information of the person responsible for handling the complaint;
- in the case of an incomplete complaint, a notice containing a request for additional information to which the complainant must respond within a reasonable time, failing which the complaint is deemed to be abandoned;
- this Policy outlining the procedures for processing

Any LDL employee with a complaint must forward it to the person responsible for applying the policy as soon as it is received. An employee who receives an oral complaint must inform the complainant of this policy and invite the complainant to forward the complaint in writing to the LDL.

The person in charge deals with the complaint by examining it, gathering the documents relevant to its analysis and drafting the response to the complainant as well as the reasons for the response.

The complaint must be received and processed within 30 days of receiving all the information necessary for its investigation. In the event that a complaint cannot be processed within the prescribed time limit, the complainant must be informed of the reasons for the delay and of the steps taken by the LDL to date in processing his or her complaint. It must also be notified of the time frame within which the decision will be sent to it.

Following the processing of the complaint, in the event of a disagreement regarding the application of the Act and this Policy, the complainant may also report his or her dissatisfaction with the LDL's treatment of his or her personal information to the Commission d'accès à l'information, which is responsible for ensuring the application of the Act respecting the protection of personal information in the private sector.

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### **News:**

League of Rights and Freedoms

469 Jean-Talon West, Suite 105

Montreal, Quebec H3N 1R4

Phone: 514 849-7717

Cell: 514 715-7727

[info@liguedesdroits.ca](mailto:info@liguedesdroits.ca)

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